

CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL – **COMMUNITY ROOM**
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, SEPTEMBER 3, 2019 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayoral Announcement: NAIOP (National Association for Industrial and Office Parks) Development Showcase – Ballpark Commons, October 2, 2019 at 3:00 p.m.
- C. Approval of Minutes of the Regular Common Council Meeting of August 20, 2019.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Project Updates for Ballpark Commons.
 - 2. Franklin Tourism Commission Update.
 - 3. Update on a Business Appreciation Event Organized by the Franklin Economic Development Commission.
 - 4. Modification to Johns Disposal Services, Inc. Contract to Provide Weekly Recycling and Automated Garbage Services.
 - 5. Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, Applicant, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance.
 - 6. A Resolution Conditionally Approving a 2 Lot Certified Survey Map, Being Part of Parcel “A” of Certified Survey Map No. 3411, and Unplatted Lands, Being a Part of the Northwest ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, Applicants) (at 6708 and 6720 South North Cape Road).
 - 7. A Resolution Authorizing Certain Officials to Accept a Landscape Bufferyard Easement for and as Part of the Review and Approval of a 2 Lot Certified Survey Map, Being Part of Parcel “A” of Certified Survey Map No. 3411, and Unplatted Lands, Being a Part of the Northwest ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, Applicants) (at 6708 and 6720 South North Cape Road).
 - 8. A Resolution to Proceed with Actions to Gain Access to City of Milwaukee Water Works Water Supply.
 - 9. A Resolution to Sign an Easement Agreement with American Tower L.P. at 5572 W. Airways Avenue.

10. An Ordinance to Amend Ordinance No. 2018-2345, an Ordinance Adopting the 2019 Annual Budgets for the Capital Improvement Fund to Provide Appropriations for a Needs Analysis to Expand the Public Works Facility.
11. A Resolution for a Professional Service Agreement with Graef for a Phase 1 Needs Analysis and Concept Design on Department of Public Works Facility Improvements (7979 W. Ryan Road) in the Amount of \$20,000.
12. July 2019 Monthly Financial Report.

H. Bills.
Request for Approval of Vouchers and Payroll.

I. Licenses and Permits.
Miscellaneous Licenses from License Committee Meeting of September 3, 2019.

J. Adjournment.

*Notice is given that a majority of the Tourism Commission may attend this meeting to gather information about an agenda item over which the Tourism Commission has decision-making responsibility. This may constitute a meeting of the Tourism Commission, per State ex rel. Badke v. Greendale Village Board, even though the Tourism Commission will not take formal action at this meeting.

**Supporting documentation and details of these agenda items are available at City Hall during normal business hours.
[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

September 5	Plan Commission Meeting	7:00 p.m.
September 17	Common Council Meeting	6:30 p.m.
September 19	Plan Commission Meeting	7:00 p.m.
October 1	Common Council Meeting	6:30 p.m.
October 3	Plan Commission Meeting	7:00 p.m.
October 15	Common Council Meeting	6:30 p.m.
October 17	Plan Commission Meeting	7:00 p.m.
October 27	Trick-or-Treat Observance	4:00 pm. to 7:00 pm.



B.2.
**BALLPARK COMMONS
DEVELOPMENT SHOWCASE
SPONSORSHIP OPPORTUNITIES**

BALLPARK COMMONS DEVELOPMENT SHOWCASE

NAIOP Wisconsin & Davis & Kuelthau, s.c. invite you to a Development Showcase featuring Ballpark Commons in Franklin, Wisconsin. Enjoy a behind the scenes tour of the Milwaukee Milkmen stadium and hear from Developer Mike Zimmerman and others on what it took to make this project a reality. Sponsorship is limited so reserve your spot before it's gone!

WEDNESDAY, OCTOBER 2, 2019

Ball Park Commons

7035 S. Ballpark Drive, Franklin, WI 53132

SCHEDULE OF EVENTS

3:00-3:30 PM - Registration & Networking

3:30-4:15 PM - Presentation

4:15 - 5:00 PM - Tour

5:00 - 6:00 - Networking Reception



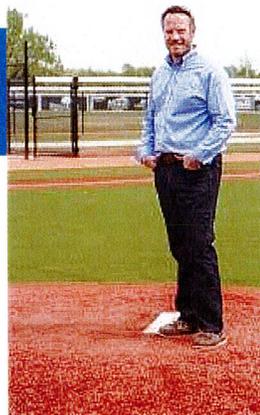
Presenting Sponsor (Sold Out)
Davis & Kuelthau, s.c.

Home Run Sponsors \$1,000 (1 Available)
Your sponsorship includes logo recognition on event marketing materials, registration website and signage. Sponsorship also includes 4 complimentary registrations.

Diamond Sponsors \$500 (4 Available)
Your sponsorship includes logo recognition on event marketing materials, registration website and signage. Sponsorship also includes 2 complimentary registrations.

Dugout Sponsors \$250 (4 Available)
Your sponsorship includes name recognition on event marketing materials, registration website and signage. Sponsorship also includes 1 complimentary registration.

**Hear from Ballpark Commons
Developer Mike Zimmerman.**



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- S. 51 ST. AND W. DREXEL AVE. PROJECT UPDATE
- G.3. No action was taken following a project update on the S. 51 Street and W. Drexel Avenue intersection project.
- MILLS HOTEL WYOMING, LLC, SPECIAL EXCEPTION NRPP
- G.4. Alderman Nelson moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of Mills Hotel Wyoming, LLC, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderman Taylor. All voted Aye; motion carried.
- WATER MAIN EXTENSION S. 50 ST. AND W. MINNESOTA AVE. AND ENGINEER'S REPORT
- G.5. Alderwoman Wilhelm moved to direct staff to develop a water main extension project along S. 50th Street and W. Minnesota Avenue and an Engineer's Report in accordance with Municipal Code §207-15. for special assessment of 5003 and vacant lot on W. Minnesota Avenue (Tax Key Nos: 795-0034-000 and 759-0024-003). Seconded by Alderman Barber. All voted Aye; motion carried.
- CASCADE TRAIL DESIGN (8300 S. 60 ST.) EXTENSION
- G.6. Alderman Barber moved to direct staff to return to Common Council with a final engineering contract with Trotter & Associates for the design of a Cascade Trail extension to the Root River Line of the Oak Leaf Trail. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2019-7534
ISSUE CHANGE ORDER 1 FOR PLEASANT VIEW PARK PAVILION (4901 E. EVERGREEN ST.)
- G.7. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7534, A RESOLUTION TO ISSUE A CHANGE ORDER 1 FOR PLEASANT VIEW PARK PAVILION (4901 W. EVERGREEN STREET) IN THE AMOUNT OF \$19,117.06. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RENAME SEWER AND WATER OPERATIONS CENTER (5500 W. AIRWAYS AVENUE)
- G.8. Alderwoman Wilhelm moved to direct the Board of Public Works and the Board of Water Commissioners to consider the renaming of the Sewer and Water Operations Center (5500 W. Airways Avenue) and return to Common Council with a recommendation. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2019-7535
PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT WITH MMSD
- G.9. Alderman Taylor moved to adopt Resolution No. 2019-7535, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ENTER INTO A PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT-FUNDING AGREEMENT 8 WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT IN THE AMOUNT OF \$146,605. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- ORD. 2019-2389
2019 BUDGET
APPROPRIATIONS WITHIN
THE PLANNING DEPT. FOR
ADDITIONAL
CONTRACTED SERVICES
- G.10. Alderman Taylor moved to adopt Ordinance No. 2019-2389, AN ORDINANCE AMENDING ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGET FOR THE GENERAL FUND FOR THE CITY OF FRANKLIN, TO APPROPRIATE \$48,700 WITHIN THE PLANNING DEPARTMENT APPLYING POSITION VACANCY SAVINGS FOR ADDITIONAL CONTRACTED PROFESSIONAL SERVICES. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- CONTRACT WITH BAYSIDE
PRINTER, LLC TO PREPARE
AND MAIL WATER/SEWER
BILLS
- G.11. Alderman Barber moved to direct staff to execute the three-year Service Agreement with Primadata/Bayside Printing, LLC. for printing/ mailing Sanitary Sewer/Water quarterly billings. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2019-7536
INTENT TO REIMBURSE
EXP. FROM PROCEEDS OF
BORROWING
- G.12. Alderman Taylor moved to adopt Resolution No. 2019-7536, A RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING. Seconded by Alderman Nelson. All voted Aye; motion carried.
- POPULATION ESTIMATE
- G.13. Alderman Taylor moved to place on file the Wisconsin Department of Administration January 1, 2019 population estimate of 35,996. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- VOUCHERS AND PAYROLL
- H.1. Alderman Dandrea moved to approve the following:
City vouchers with an ending date of August 15, 2019 in the amount of \$1,519,768.40; and payroll dated August 16, 2019 in the amount of \$387,645.15 and payments of the various payroll deductions in the amount of \$245,443.93, plus City matching payments; and estimated payroll dated August 30, 2019 in the amount of \$396,000.00 and payments of the various payroll deductions in the amount of \$424,000.00; plus City matching payments; and Property Tax investments with an ending date of August 15, 2019 in the amount of \$3,224,771.25 and approval to release payments to miscellaneous vendors in the amount of \$1,137,168.71. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.
- LICENSES AND PERMITS
- I.1. Alderman Taylor moved to approve the following license recommendations from the License Committee meeting of August 20, 2019:

Grant 2019-2020 Operators' licenses to Mandy L Mayrand, 2891 Fir Lane, Waterford (with a warning letter from the City Clerk);

Jacob S Heller, 8145 S 35th St.; Kimberlee B Laughner, 1333 S 115th St, West Allis; Richard Schutte, 2954 W Briarwood Dr; Hollie C Smith, 6873 S 35th St; Kathleen A Turks, 8160A S Forest Hills Circle;

Hold for appearance Operator's license application of Troy A Petroski, N4586 Hickory Rd, Hustisford;

Grant Class B Combination and Restaurant license for QT Pizza LLC, d/b/a Rounding Third Pizzeria, Agent Susan Toetz, 7119 S 76th St pending Wisconsin Department of Financial Institutions valid status proof;

Grant Class B Combination license to Brinker Restaurant Corporation, d/b/a Chili's Bar & Grill, Agent Justin W Pischke, 6439 S 27th St pending satisfactory inspections; and

Grant Temporary Entertainment & Amusement to American Legion Willey Herda Post 192, Spin the Wheel Amusement Game (Gretchen Davies) for St Martins Fair on 9/01/2019 to 9/02/2019. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Taylor moved to grant Extraordinary Entertainment & Special Event license, pending a Wisconsin Department of Natural Resources schedule for the floodplain compliance, to Rock Sports Complex (Scot Johnson) for "The Hills Has Eyes" on September 27-29, October 3-6, October 10-13, October 17-20 and October 24-27, October 31-November 1, 2019 during the hours of 6:00 pm to 10:00 pm on Thursdays and Sundays, and 6:00 pm to 11:00 pm on Fridays and Saturdays. Seconded by Alderman Nelson. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

CLOSED SESSION MARKET
TERMS & PROVISIONS OF
POTENTIAL DEV.
AGREEMENT(S) OF THE +/-
73 ACRES AT THE S/W
CORNER OF S. 27 ST. AND
W. OAKWOOD RD.

G.14. Alderman Barber moved to enter closed session at 7:05 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/manufacturing development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreement(s) for the development of +/- 73 acre propert(ies) at the Southwest corner of South 27th Street and West Oakwood Road. Seconded by Alderman Taylor. All voted Aye; motion carried.

Common Council reentered open session at 7:40 p.m.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 7:41 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>September 3, 2019</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Project Updates for Ballpark Commons</p>	<p>ITEM NUMBER</p> <p><i>G.I.</i></p>

Representatives from Ballpark Commons will present an update on the development.

COUNCIL ACTION REQUESTED

No action requested. This presentation is only for providing updates on the Ballpark Commons project.

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<p>APPROVAL <i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE September 3, 2019</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Franklin Tourism Commission Update</p>	<p>ITEM NUMBER <i>G.2.</i></p>

Representatives from the Tourism Commission will present an update on current activities and plans and a review of 2019.

COUNCIL ACTION REQUESTED

No action requested. This presentation is only for providing updates from the Tourism Commission.

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<i>slw</i> Approval	Council Action Sheet	MEETING DATE 09/03/2019
REPORTS & RECOMMENDATIONS	Update on a Business Appreciation Event Organized by the Franklin Economic Development Commission	ITEM NUMBER <i>G, 3.</i>
<p>Background The Business Appreciation Celebration is an Economic Development Commission program designed to offer a networking opportunity for Franklin business and community leaders, showcase local businesses, and recognize the many contributions of businesses to the community.</p> <p>The last Celebration took place on October 25th, 2019, at Tuckaway Country Club and more than 125 guests gathered to enjoy complimentary heavy hors oeuvres, a cash bar, keynote speaker, and the announcement of four Excellence in Business award winners selected from 16 finalists. The four Excellence awards categories were Large Business, Small Business, Innovation, and Leadership.</p> <p>Update The Franklin Economic Development Commission will hold the 2019 business appreciation event on October 24, 2019 from 5 to 8 P.M. at a Franklin location that is being finalized and should be announced soon. There is \$5,000 in budget line item 01-0641-5734, Business/Volunteer Recognition.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>Motion to receive and file the update on business appreciation event organized by the Franklin Economic Development Commission.</p>		

Economic Development: CB

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE September 3, 2019
REPORTS & RECOMMENDATIONS	MODIFICATION TO JOHNS DISPOSAL SERVICES, INC. CONTRACT TO PROVIDE WEEKLY RECYCLING AND AUTOMATED GARBAGE SERVICES	ITEM NUMBER <i>G.4.</i>

BACKGROUND

Johns Disposal Services, Inc. provides garbage and recycling pickup services for the City of Franklin. Per the contract, recycling is picked up every other week with automated totes and garbage is picked up every week in customer-provided containers not to exceed 40 gallons or 80 pounds. Many Franklin residents routinely have overflowing recycling containers and use garbage containers that exceed 40 gallons and/or dispose of over 80 pounds of garbage per container.

ANALYSIS

When residents overfill a recycling container, it is difficult for the automated trucks to load the recycling contents without spillage. When residents place oversized or overweight garbage containers at the curb, it can be difficult and unsafe for Johns' employees to lift the containers into the truck. Because of these concerns, Johns has requested that Franklin consider changes to the contract.

Mayor Olson and Staff met with Johns to discuss the June 28, 2019, request. The immediate solution was to direct Johns to transition residents to become compliant with the rules. Staff assisted Johns in developing a notice for residents that are not compliant with the rules that explain the rules and why the recycling/garbage was left at the curbside.

For a solution to be more accommodating for the residents, Johns proposed a change to the contract on August 6, 2019. Recycling would move to a weekly pickup and residents would not need to store recyclables past a week and thus the current recycling totes would be of sufficient size. Garbage would move to a fully automated system with 96 gallon totes to allow residents to place more garbage at curbside and allow a safer work environment for Johns' employees. As shown on the proposal, the cost to the City if both changes are made would increase by \$2.37/month/customer.

To answer Common Council and public questions concerning this issue, Johns will be present at the Common Council meeting.

OPTIONS

For discussion purposes only.

FISCAL NOTE

No budget impact at this time. Options related to this opportunity will be provided in the 2020 Budget Deliberations.

COUNCIL ACTION REQUESTED

None- for discussion purposes only.

Engineering: GEM



P.O. BOX 329
WHITEWATER, WI 53190
262-473-4700 • Fax: 262-473-6775
www.johnsdisposal.com
email: office@johnsdisposal.com

DISPOSAL SERVICE, INC.

June 28, 2019

The City of Franklin
Attn: Glen Morrow – City Engineer
9229 West Loomis Road
Franklin, WI 53132

Re: Service Change Request

Glen,

We are very thankful for our continued partnership with the City of Franklin. From owners to drivers, our team continues to push for excellent service for your residents. Unfortunately, with a rapidly changing labor market, we are forced to request a change in services for City residents. Each year we are having more difficulty and incurring significantly greater training costs to provide manual collection in such a way that matches our high company standards. We believe that if the City does not change to fully-automated garbage collection, we will be unable to continue providing the level of service that your residents have come to expect from Johns.

A main consideration in our request to transition to a fully-automated program is the number of containers currently in the City which do not comply with our contracted container sizes. We estimate the number of rolling carts to be in the hundreds and containers larger than 40 gallons to be in the thousands. For the past two years, our company has been facing the perfect storm of rapidly rising labor costs and residents not complying with the City program. We believe that the following changes will correct these issues: (1) Change to weekly automated garbage collection; (2) Increase recycling to every week collection.

Please let me know when you have time in your schedule to sit down and discuss our options.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Austin".

Nate Austin
Municipal Sales Manager

PRINTED ON RECYCLED PAPER

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 WHITEWATER, WI 53190
 262-473-4700 • Fax: 262-473-6775
 www.johnsdisposal.com
 email: office@johnsdisposal.com

DISPOSAL SERVICE, INC.

August 6, 2019

The City of Franklin
 Attn: Glen Morrow – City Engineer
 9229 West Loomis Road
 Franklin WI 53132

Re: Proposed 2020 Service Changes

Glen,

Brian and I would like to thank Mayor Olson and yourself for taking the time to sit down and meet with us to discuss the difficulties that our company (and our industry) is facing with both labor and recycling markets. Based on this conversation, we would like to provide the City with the following service change proposal:

- 1) increase recycling collection to every week, and
- 2) transition the City to fully automated garbage collection with 95 / 96 gallon garbage carts.

Weekly recycling would take effect January 1, 2020. Fully automated garbage would be implemented in 2020 during a timeframe which would be mutually agreed upon by the City and Johns.

Service	2019 Current		2020 Proposed	
Garbage	\$5.22	<i>manual</i>	\$5.28	<i>automated</i>
Recycle	\$2.79	<i>bi-weekly</i>	\$5.10	<i>weekly</i>
Total	\$8.01		\$10.38	

We look forward to the opportunity to present this proposal to the City Council in September.

Sincerely,

Nate Austin
 Municipal Sales Manager

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Residential • Commercial • Industrial • Recycling • Refuse Disposal

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">09/03/19</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF CONSERVANCY FOR HEALING AND HERITAGE, INC., SUSAN A. RABE, CEO AND EXECUTIVE DIRECTOR, APPLICANT, FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G. 5.</i></p>

At their meeting on August 12, 2019, the Environmental Commission recommended approval of the subject Special Exception to certain natural resource provisions of the Unified Development Ordinance with conditions as presented at their meeting and as set forth in the attached final draft City of Franklin Environmental Commission document dated August 15, 2019.

At the regular meeting of the Plan Commission on August 22, 2019, following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Conservancy for Healing and Heritage, Inc. Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council Consideration of the Environmental Commission recommendations, including the City Forester's recommendations.

The Plan Commission's recommendation to include the City Forester's recommendations has been reflected in the Decision section of the attached draft Standards, Findings, and Decision document.

Please note that the Department of City Development received an email dated August 22, 2019, from Mr. and Mrs. O'Malia with concerns about the proposed trails. This email was provided to the Plan Commission during the public hearing held on this matter, and a copy is attached. In addition, it can be noted that one person spoke during the public hearing with concerns about how the wording of the public hearing notice and associated project materials included reference to the Polish Community Center, which is not a party to this matter.

COUNCIL ACTION REQUESTED

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.

Draft 8/29/19

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of Conservancy for
Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant,
for a Special Exception to Certain Natural Resource Provisions of the City of Franklin
Unified Development Ordinance

Whereas, Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, having filed an application dated June 11, 2019, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated August 12, 2019 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated August 22, 2019 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is generally located at 6941 South 68th Street, zoned Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center), and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: “The decision of the Common Council upon any decision under this Section shall be in writing, state the

grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant.”

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated June 11, 2019, by Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather, the boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. This would also eliminate part of the project purpose to create a view point of the lake. It is unlikely the mulch trail will disturb the functions of the wetland buffer.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: *or*

b. unreasonably and negatively impact upon the applicant’s use of the property and that there are no reasonable practicable alternatives:

The boardwalk and pier cannot proceed without affecting the lake or wetland. The trail could potentially be redesigned to be located outside of the wetland setback, this is not practicable as the view to the lake would be obstructed and the slope of the hill where the trail would be moved is primarily greater than 30%. The current location of the trail is located on slopes of less than 10%,

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The trail through the wetland buffer will not alter topography, plants, wildlife, hydrology, and soils in the area. The wetland is classified by the DNR as Forested, Emergent/wet meadow with a subclass of Broad-leaved deciduous, Narrow-leaved persistent. Plants in and soils in the area of the wetland will be included in the wetland delineation report. The trail is located under 2.284 acre of are within the drip line for 176 trees with diameters 8" or larger. This is a 16% impact of all the individual tree canopies. It is unlikely that the small amount of trail within the drip line will impact tree health. Other properties seeking the same relief would need to meet similar standards; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *the applicant represents that the unique circumstances involved with this request meet the purpose of the Natural Resource Special Exception; and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature): this finding is not applicable.*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The Conservancy is a 36.38 acre parcel located at 6941 S 68th St, Franklin, WI. Natural features as described by the applicant include a 14.16 acre lake, 5.78 acres of shore buffer, 26.62 acres of floodplain, and various slopes. There is also a tree canopy of 3.65 acres of mature woodland, wetlands, and wetland buffer and setback as described in the wetland delineation report. The improvements will not negatively affect surrounding properties.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *Removing parts or aspects of the trail would have reduced cost but would not fulfill the project purpose. Creating paths on areas of steeper slopes could challenge some trail users. Additional grading and disturbance would be needed to create a flat surface for the trail. The proposed trail location is naturally flat. If the trail was moved to a location outside of the wetland buffer, there would potentially be an additional impact to trees.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The mission [of the Conservancy] is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education. The Nature Trails, Healing garden, Healing Chapel in the Woods, and Koepmeier Lake are surrounded by forestland with a history leading back to the settlement of greater Milwaukee in the 19th century. Once completed, it will be open to the community as a place to restore our connection to the natural world for schools, families and individuals.*

The project purpose is to view and interact with Koepmier Lake, resulting in the trail running parallel to the wetland and within the extent of the wetland buffer. Similarly, the boardwalk and pier are designed as another viewing location for the lake.

4. Aesthetics: *The project purpose is to view and interact with Koepmier Lake, resulting in the trail running parallel to the wetland and within the extent of the wetland buffer. Similarly, the boardwalk and pier are designed as another viewing location for the lake.*

The trails, boardwalk, and pier will give the lake and surrounds wetland and forest a more functional use. When completed, it will welcome and serve people locally and regionally. The Garden is specifically designed to provide the visitors with a natural environment to reduce stress responses, positively affecting the endocrine, cardiovascular, immune and nervous systems. Areas for rest, reflection and rejuvenation will be abundant. It will serve a diverse population in age, ethnicity, Physical ability and capability. It will also serve as an educational destination for Franklin High School, and other learning institutions and community groups.

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland.*

The 6' wide, 2,640' long, 0.375 acre, mulch and pervious geotextile lined trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland setback. There will be two 12' x 12' observation decks. The boardwalk is approximately 95' long and 4' wide (0.008 acres), potentially impacting 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The 12' x 9' pier will impact 0.002 acres of lake resources.

The project will not affect the water of the State of Wisconsin.

6. Proximity to and character of surrounding property: *The Conservancy for Healing and Heritage is located at S. 74 Street and W. Rawson Ave., adjacent to the Reiman Cancer Center, and Koepmeier Lake. The Polish Community Center is to the east.*

7. Zoning of the area in which property is located and neighboring area: *Residential.*

8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*

9. Natural features of the property: *Mature woodlands, wetlands, wetland buffers, wetland setbacks, shore buffer, and Koepmeier Lake and its floodway are located within the project area. The subject area is also located within a Primary Environmental Corridor as defined and delineated by the Southeastern Wisconsin Regional Planning Commission.*

10. Environmental impacts: *The trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland setback. There will be two 12' x 12' observation decks. The boardwalk has potential impact on 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The pier will impact 0.002 acres of lake resources.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of August 12, 2019 is incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

Decision

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions:

- 1) that the natural resource features and mitigation areas upon the properties to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted prior to the issuance of any Occupancy Permits;*
- 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;*
- 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, and all other applicable provisions of the Unified Development Ordinance.*
- 4) that the applicant shall prepare a mitigation plan for review and approval by City of Franklin staff that incorporates trail maintenance and removal of dead and diseased trees prior to issuance of any building permits.*
- 5) that the applicant shall prepare a detailed erosion control plan for the entire project for city staff review and approval prior to issuance of any building permits.*
- 6) that the applicant must revise the Natural Resource Special Exception Question and Answer form question 6(m) to state that the subject project is located in a Primary Environmental Corridor.*
- 7) that the applicant incorporate the comments and suggestions of the City Forester as set forth in the email dated August 19, 2019.*

The duration of this grant of Special Exception is permanent.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

From: [Tom Riha](#)
To: [Joel Dietl](#)
Subject: Conservancy for Healing
Date: Monday, August 19, 2019 7:29:52 AM

Hi Joel,

On 8/15/2019 I met with Mike Murry from the conservancy to walk the trail they are proposing through the woodlands. Also present was Wachtel Tree and Science, and Graef Engineering. I confirmed that no trees are being removed for the trail work. Wachtel and I explained the importance of not excavating any soil deeper than 6" to avoid any damage to roots of nearby trees. Mike explained that excavation was going to be kept to a minimum and used mainly for leveling the transverse (width of the trail), as well as removing small stumps from brush. The observation areas and stairs will not effect the trees in a negative way. They will be raised platforms and the area the stairs go down is very wide with few trees nearby.

We did observe two areas where the trail will be near some significant trees. The first area it was discussed to move the trail slightly to avoid the trunk area of a large oak. The trail will then go between the middle of the two large oak trees. No excavation should be done in this area.

The other area is coming up the slope the trail passes a large maple tree with exposed roots. It was advised that no excavation take place and only fill should be used to cover the roots.

Lastly we discussed the use of wood chips or traffic bond gravel for the trail material. Ideally the path would be wood chips which would provide water infiltration and nutrients to the soil as the chips breakdown. The option of using gravel would be in places where the trail has a potential to wash out. I recommended using some type of landscape timbers in these areas to keep material in place.

It is of my belief that this trail will be a great asset to the community. The conservancy has a good grasp of how to protect and enhance these woodlands for the public enjoyment. Currently they have been working with the high school to remove invasive species. I also offered to connect them to a program that offers free trees to help establish some natural regeneration of the oak trees in the woodland.

I recommend that this trail be approved.

Thank You,

Tom Riha
City Forester
ISA- Certified Arborist/Municipal Specialist



Gail Olsen

From: Party-Girls Pin-Ups INC Non-Profit <omaliakaitlyn@gmail.com>
Sent: Thursday, August 22, 2019 3:27 PM
To: Gail Olsen
Subject: Concerning for the Healing and Heritage public hearing

My husband (Matthew O'Malia) and myself (Kaitlyn O'Malia) reside at 7142 West Rawson Ave. and we have some concerns about the Nature trails that are being reviewed today. When we bought our house two years ago we were aware of the trails and loved the idea. In the last year in half that has changed.

Our property butts right against the trails, we have private property signs but this does not deter people from now coming on to our property. This is worrisome due to us having children and animals, and the safety of the them. Also my husband and I have recently been finding kids (under the age of 15) on the trails at night and our worry is they will get hurt in the dark or possibly worse and now will this become the local adolescent hang out at night? I can not be held responsible if people wonder on to my property at night due this and with living here and putting work into our property we do not need people to see the comings or goings of what we are doing and become victims of theft.

I would like there to be consideration of better planing and the residents that are on top of this trail to be considered by planting more foliage or trees, a fence , signage or possibly other ideas. We are willing to work who ever to resolve this but I have to worry about my children, animals and property first. So as of now I am against this trial. If the council have questions or would like to discuss this further you can contact my husband and I.

Kaitlyn O'Malia
312-342-4604

Matthew O'Malia
312-203-8818

~ Kaitlyn O'Malia

Party-Girls Pin-Up INC
Party-girls_pin-ups@hotmail.com

Ninos Classic Bike & Show
ninosrwtregistration@hotmail.com

FRG related questions please email
cc132dfrg@gmail.com

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of August 22, 2019****Natural Resource Special Exception**

RECOMMENDATION: City Development staff recommends approval of the Natural Resource Special Exception, subject to the conditions of approval in attached draft Standards, Findings, and Decision.

Project Name:	Conservancy for Healing and Heritage Lake and Nature Trails Natural Resource Special Exception (NRSE)
Project Address:	Approximately 6941 S. 68 th Street
Applicant:	Susan A. Rabe, Conservancy for Healing and Heritage Inc.
Property Owner:	Conservancy for Healing and Heritage, Inc.
Current Zoning:	PDD Planned Development District No. 28 and FW Floodway District
2025 Comprehensive Plan:	Areas of Natural Resource Features
Use of Surrounding Properties:	Commercial and medical uses to the south, vacant conservancy land to the north and east, and vacant conservancy land and Loomis Road (STH 36) to the west
Applicant's Action Requested:	Recommendation to the Environmental Commission, Plan Commission, and Common Council for approval of the proposed Natural Resource Special Exception (NRSE)

INTRODUCTION:

On June 11, 2019, the applicant submitted an application for a Special Exception to Natural Resource Feature Provisions to the Department of City Development. The applicant is requesting approval to impact wetlands, wetland buffers, wetland setbacks, shore buffers, floodplain, a lake, mature woodlands, and steep slopes in order to construct the proposed lake and nature trails on the subject land.

PROJECT DESCRIPTION:

More specifically, the applicant is proposing to construct paved and unpaved trails, benches, a boardwalk and pier, observation decks, stairs, and signage extending northeastward from the existing chapel to Kopmeier Lake. This will involve clearing, grading, filling and development of approximately:

- 0.002 acre of lake (which is also located within the 100-year recurrence interval floodplain and the shore buffer associated with Kopmeier Lake);
- 0.007 acre of wetlands (which is also located within the 100-year recurrence interval floodplain and the shore buffer associated with Kopmeier Lake);

- 0.107 acre of wetland buffer (of which about 0.089 acre is also located within the 100-year recurrence interval floodplain and about 0.003 acre is also located within the shore buffer); and
- 0.006 acre of wetland setback.

It can also be noted that about 0.358 acre of mature woodland will be impacted by this project. In conjunction with the previously approved Healing Garden and Chapel, a total of approximately 0.498 acre of woodland has been impacted, which is about 12% of the total 4.1 acres of mature woodlands within the subject property.

The applicant has provided the attached Natural Resource Special Exemption Application, Project Description, Natural Resource Special Exception Question and Answer Form, and associated information. Staff would note:

- The applicant is not proposing any mitigation.
- The applicant has not yet applied for any Wisconsin Department of Natural Resources or U.S. Army Corps of Engineers approvals.
- The wetland delineation was prepared by an Assured Delineator.

It can be noted that a site visit of the proposed lake and nature trails project area has been scheduled with the City Forester. The findings and conclusions of that site visit may result in revisions of staff's proposed mitigation. In a related matter, staff is also recommending additional erosion control during construction of this project because of the presence of steep slopes within the project area. Staff strongly recommends a more detailed Erosion Control Plan for those areas within and adjacent to steep slopes.

ENVIRONMENTAL COMMISSION:

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation. Attached is a document titled, "City of Franklin Environmental Commission" that the Environmental Commission has completed and must forward to the Common Council. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

The Environmental Commission, at its August 12, 2019 meeting, has recommended approval of the NRSE as presented at their meeting, with conditions as set forth in the City of Franklin Environmental Commission Special Exception application review and recommendation memo.

CONCLUSION:

Staff recommendations are contained in the decisions of the draft standards, findings and decision of the City of Franklin.

Draft 8/22/19

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of Conservancy for
Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant,
for a Special Exception to Certain Natural Resource Provisions of the City of Franklin
Unified Development Ordinance

Whereas, Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, having filed an application dated June 11, 2019, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated August 12, 2019 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated August 22, 2019 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is generally located at 6941 South 68th Street, zoned Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center), and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: “The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant.”

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated June 11, 2019, by Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather*, _____.
2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
 - a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: _____; *or*
 - b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: _____.
3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: _____; *and*
 - c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: _____; *and*
 - d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature).*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: _____.
2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: _____.
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: _____.
4. Aesthetics: _____.
5. Degree of noncompliance with the requirement allowed by the Special Exception: _____.
6. Proximity to and character of surrounding property: _____.
7. Zoning of the area in which property is located and neighboring area: *Residential*.
8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*
9. Natural features of the property: _____.
10. Environmental impacts: _____.
11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of _____ is incorporated herein.*
12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

Decision

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions:

1) that the natural resource features and mitigation areas upon the properties to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted prior to the issuance of any Occupancy Permits;

2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;

3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, and all other applicable provisions of the Unified Development Ordinance.

4) that the applicant shall prepare a mitigation plan for review and approval by City of Franklin staff that incorporates trail maintenance and removal of dead and diseased trees prior to issuance of any building permits.

5) that the applicant shall prepare a detailed erosion control plan for the entire project for city staff review and approval prior to issuance of any building permits.

6) that the applicant must revise the Natural Resource Special Exception Question and Answer form question 6(m) to state that the subject project is located in a Primary Environmental Corridor.

The duration of this grant of Special Exception is permanent.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

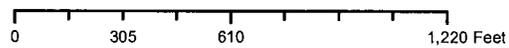
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

TKN: 743 8978 006



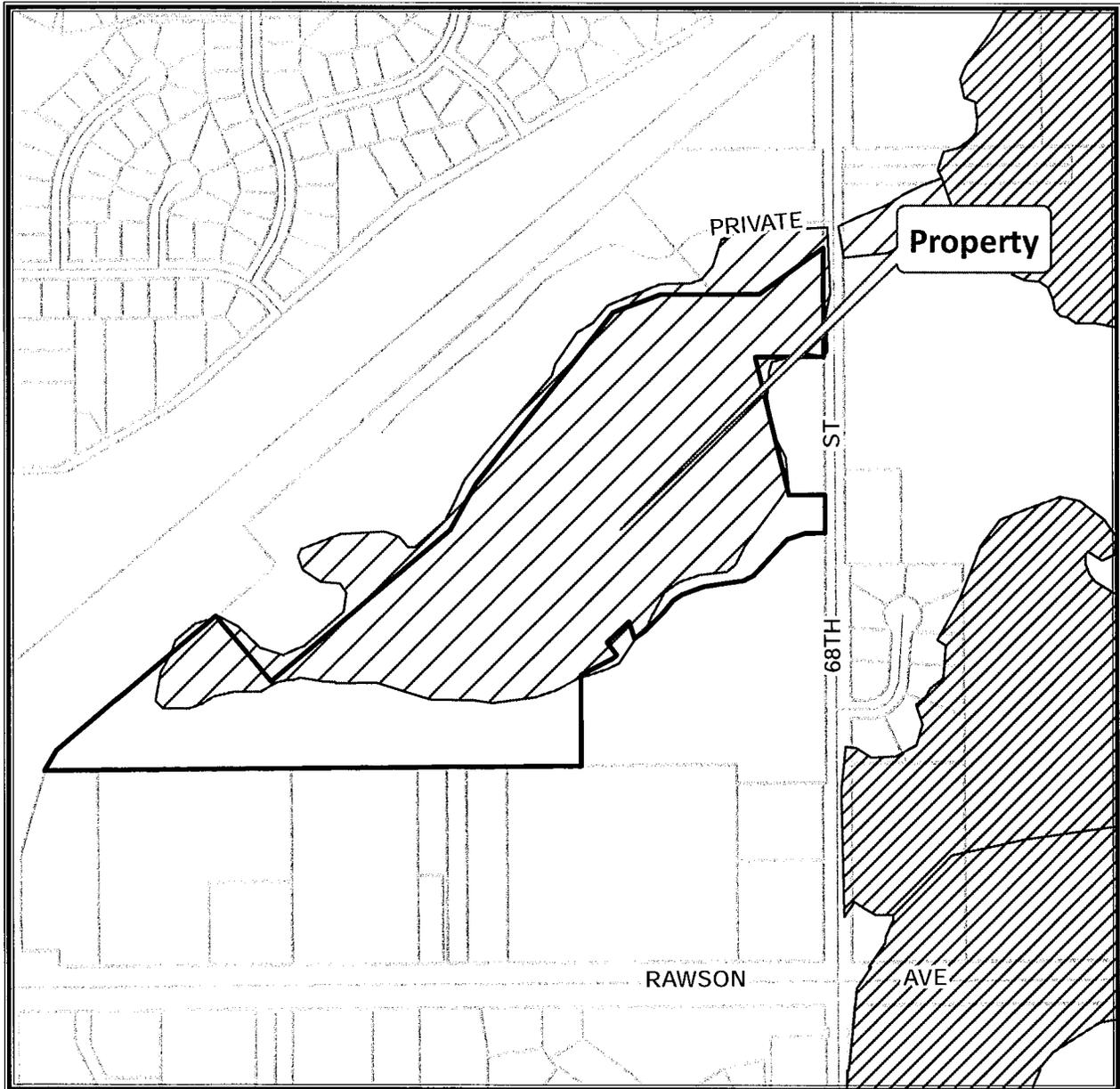
Planning Department
(414) 425-4024



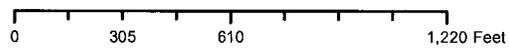
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



TKN: 743 8978 006



Planning Department
(414) 425-4024



2017 Aerial Photo

This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

City of Franklin Environmental Commission

TO: Common Council
DATE: August 12, 2019
RE: Special Exception application review and recommendation
APPLICATION: Conservancy for Healing and Heritage, Inc., Susan A. Rabe,
CEO and Executive Director, Applicant, dated: June 11, 2019
(generally 6941 South 68th Street)

I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:

1. Unified Development Ordinance Section(s) from which Special Exception is requested:

UDO Section 15-8.0305B9 pertaining to the protection of lakes, wetlands, and wetland buffers. The Special Exception is requested to create a trail within the limits of the wetland buffer and setback (also overlapping the floodplain), create a boardwalk through the wetland (also overlapping the floodplain and shore buffer), and to create a pier at the end for the boardwalk overlooking the lake. See table 15-4.0100 for exact values.

2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):

The 6' wide, 2,640' long, 0.375 acre, mulch and pervious geotextile lined trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland setback. There will be two 12' x 12' observation decks. The boardwalk is approximately 95' long and 4' wide (0.008 acres), potentially impacting 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The 12' x 9' pier will impact 0.002 acres of lake resources.

3. Applicant's reason for request:

The Conservancy for Healing and Heritage's mission is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education. The Healing Garden will serve the community as a free, ADA compliant public destination. When completed, it will welcome and serve people locally and regionally. The trails will be used as a route to provide pristine views of Koepmeier Lake, as well as serve as an outdoor classroom.

4. Applicant's reason why request appropriate for Special Exception:

The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. This would also eliminate part of the project purpose to create a view point of the lake. It is unlikely the mulch trail will disturb the functions of the wetland buffer.

II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: *Not Applicable*
2. Storm and flood water storage: *Not Applicable*
3. Hydrologic functions: *Not Applicable*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *Not Applicable*
5. Shoreline protection against erosion: *Applicable*

Construction and use of the trails, boardwalk, and pier will have an impact on the site. Construction site erosion control and sedimentation control shall comply with the requirements of the City of Franklin, and shall employ erosion control methods as shown and specified in the Wisconsin Department of Natural Resources (WDNR) "Construction Site Erosion and Sediment Control Technical Standards." All erosion control measures shall be adjusted to meet field conditions at the time of construction and shall be installed prior to any grading or disturbance of existing surface material on the site.

6. Habitat for aquatic organisms: *Applicable*

The trails, boardwalk, and pier will have an impact on the lake and surrounding wetland and forest. When completed, the trail through the wetland buffer will not alter topography, plants, wildlife, hydrology, and soils in the area. The wetland is classified by the DNR as Forested, Emergent/wet meadow with a subclass of Broad-leaved deciduous, Narrow-leaved persistent. Plants in and soils in the area of the wetland will be included in the wetland delineation report.

7. Habitat for wildlife: *Not Applicable*
8. Human use functional value: *Applicable*

The trails, boardwalk, and pier will have an impact on the lake and surrounding wetland and forest. This is mitigated by their purpose to give the area a more functional use. When completed, it will welcome and serve people locally and regionally. The Garden is specifically designed to provide the visitors with a natural environment to reduce stress responses, positively affecting the endocrine, cardiovascular, immune and nervous systems. Areas for rest, reflection and rejuvenation will be abundant. It will serve a diverse population in age, ethnicity, Physical ability and capability. It will also serve as an educational destination for Franklin High School, and other learning institutions and community groups.

9. Groundwater recharge/discharge protection: *Not Applicable*

10. Aesthetic appeal, recreation, education, and science value: *Applicable*

The trails, boardwalk, and pier will give the lake and surrounds wetland and forest a more functional use. When completed, it will welcome and serve people locally and regionally. The Garden is specifically designed to provide the visitors with a natural environment to reduce stress responses, positively affecting the endocrine, cardiovascular, immune and nervous systems. Areas for rest, reflection and rejuvenation will be abundant. It will serve a diverse population in age, ethnicity, Physical ability and capability. It will also serve as an educational destination for Franklin High School, and other learning institutions and community groups.

11. State or Federal designated threatened or endangered species or species of special concern: *Not Applicable*

12. Existence within a Shoreland: *Applicable*

The trails, boardwalk, and pier will have an impact on the lake and surrounding wetland. However, the project will not affect the water of the State of Wisconsin. Construction and use of the trails, boardwalk, and pier will have an impact on the site. Construction site erosion control and sedimentation control shall comply with the requirements of the City of Franklin, and shall employ erosion control methods as shown and specified in the Wisconsin Department to Natural Resources (WDNR) "Construction Site Erosion and Sediment Control Technical Standards." All erosion control measures shall be adjusted to meet field conditions at the time of construction and shall be installed prior to any grading or disturbance of existing surface material on the site.

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the

Southeastern Wisconsin Regional Planning Commission from time to time:
Applicable

III. Environmental Commission review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):

The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. This would also eliminate part of the project purpose to create a view point of the lake. It is unlikely the mulch trail will disturb the functions of the wetland buffer.

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
 - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: *; or*
 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. The trail could potentially be redesigned to be located outside of the wetland setback, this is not practicable as the view to the lake would be obstructed and the slope of the hill where the trail would be moved is primarily greater than 30%. The current location of the trail is located on slopes of less than 10%.

3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: *; and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *; and*
 - c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *; and*
 - d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-

existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*):

The trail through the wetland buffer will not alter topography, plants, wildlife, hydrology, and soils in the area. The wetland is classified by the DNR as Forested, Emergent/wet meadow with a subclass of Broad-leaved deciduous, Narrow-leaved persistent. Plants in and soils in the area of the wetland will be included in the wetland delineation report. The trail is located under 2.284 acre of are within the drip line for 176 trees with diameters 8" or larger. This is a 16% impact of all the individual tree canopies. It is unlikely that the small amount of trail within the drip line will impact tree health.

IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:

The Conservancy for Healing and Heritage's mission is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education. The Conservancy is a 36.38 acre parcel located at 6941 S 68th St, Franklin, WI. Natural features as described by the applicant include a 14.16 acre lake, 5.78 acres of shore buffer, 26.62 acres of floodplain, and various slopes. There is also a tree canopy of 3.65 acres of mature woodland, wetlands, and wetland buffer and setback as described in the wetland delineation report.

The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. This would also eliminate part of the project purpose to create a view point of the lake. It is unlikely the mulch trail will disturb the functions of the wetland buffer.

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:

Removing parts or aspects of the trail would have reduced cost but would not fulfill the project purpose. Creating paths on areas of steeper slopes could challenge some trail users. Additional grading and disturbance would be need to create a flat surface for the trail. The proposed trail location is naturally flat. If the trail was moved to a location outside of the wetland buffer, there would potentially be an additional impact to trees.

As stated, the boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland.

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:

The mission [of the Conservancy] is to protect this natural habitat while creating shard spaces for comfort, inspiration, stewardship and education. The Nature Trails, Healing garden, Healing Chapel in the Woods, and Koepmeier Lake are surrounded by forestland with a history leading back to the settlement of greater Milwaukee in the 19th century. Once completed, it will be open to the community as a place to restore our connection to the natural world for schools, families and individuals.

The project purpose is to view and interact with Koepmier Lake, resulting in the trail running parallel to the wetland and within the extent of the wetland buffer. Similarly, the boardwalk and pier are designed as another viewing location for the lake.

4. Aesthetics:

The project purpose is to view and interact with Koepmier Lake, resulting in the trail running parallel to the wetland and within the extent of the wetland buffer. Similarly, the boardwalk and pier are designed as another viewing location for the lake.

The trails, boardwalk, and pier will give the lake and surrounds wetland and forest a more functional use. When completed, it will welcome and serve people locally and regionally. The Garden is specifically designed to provide the visitors with a natural environment to reduce stress responses, positively affecting the endocrine, cardiovascular, immune and nervous systems. Areas for rest, reflection and rejuvenation will be abundant. It will serve a diverse population in age, ethnicity, Physical ability and capability. It will also serve as an educational destination for Franklin High School, and other learning institutions and community groups.

5. Degree of noncompliance with the requirement allowed by the Special Exception:

The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland.

The 6' wide, 2,640' long, 0.375 acre, mulch and pervious geotextile lined trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland

setback. There will be two 12' x 12' observation decks. The boardwalk is approximately 95' long and 4' wide (0.008 acres), potentially impacting 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The 12' x 9' pier will impact 0.002 acres of lake resources.

The project will not affect the water of the State of Wisconsin.

6. Proximity to and character of surrounding property:

The Conservancy for Healing and Heritage is located at S. 74 Street and W. Rawson Ave., adjacent to the Reiman Cancer Center, and Koepmeier Lake. The Polish Community Center is to the east.

7. Zoning of the area in which property is located and neighboring area:

The Conservancy is within PDD 28, along with the Polish Community Center. To the south are the Ascension St. Francis at W. Rawson Avenue medical facility and other businesses and facilities with zoning types B-2 General Business, as well as R-2 Estate Single-Family Residence. PDD 15 is on the northern shore of Koepmeier Lake.

8. Any negative effect upon adjoining property:

The Conservancy is adjacent to the Reiman Cancer Center. The Reiman Healing Chapel in the Woods serves as the centerpiece of the Garden and the most defining image of the Conservancy.

9. Natural features of the property:

Mature woodlands, wetlands, wetland buffers, wetland setbacks, shore buffer, and Koepmeier Lake and its floodway are located within the project area.

10. Environmental impacts:

The trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland setback. There will be two 12' x 12' observation decks. The boardwalk has potential impact on 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The pier will impact 0.002 acres of lake resources.

V. Environmental Commission Recommendation:

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
 - a. Obtaining all necessary permits.
 - b. Mitigation standards as determined by the Plan Commission and Common Council
 - With consideration of trail maintenance and removal of dead ash trees

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 12th day of August, 2019.

Dated this 15TH day of AUGUST, 2019.


Arthur Skowron, Chairman

Attest:


Wesley Cannon, Vice-Chairman



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July 31st, 2019

Planning Department Staff
9229 W Loomis Rd
Franklin, Wisconsin 53132

SUBJECT: Response to Department Comments
The Conservancy for Healing and Heritage

Dear Planning Staff:

See responses to department comments dated July 27th, 2019 in blue below.

Unified Development Ordinance (UDO) Requirements:

Natural Resources

1. Pursuant to Section 15-4.0102I. of the UDO, please indicate the amount of wetland setbacks both total and to be impacted, and revise the Site Intensity Calculations accordingly.
 - a. Staff recommends that you add the wetland setbacks into the Resource Protection Land table, either as the last row in the table, or as a footnote.
GRAEF Response: Wetland setbacks were added to the table (Appendix D).
2. Pursuant to Section 15-4.0102K. of the UDO, please clearly indicate the amount and type of overlapping natural resource features.
 - a. Staff recommends that the Resource Protection Land table be revised in the following manner:
 - i. Each instance of overlapping natural resource feature only be counted once in the table (i.e. the area that is both wetland, and shore buffer and floodplain only be listed as a wetland, with a footnote. The footnote would state that of the total wetlands, ___ acres are also both shore buffer and floodplain, ___ acres are also only shore buffer, and ___ acres are also only floodplain.
GRAEF Response: Total amount of each resource were updated and a footnote was added to summarize the overlapping aquatic/wetland resources. Due to different preservation percentages the site calculation estimation was not changed (Appendix D).



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- ii. This should be done for both the total amount of each natural resource feature, and for the amount to be impacted.

GRAEF Response: Overlapping aquatic/wetland resources were only counted once and summarized in the footnote (Appendix D).

- 3. Pursuant to Section 15-4.0102K. of the UDO, please clearly indicate the amount and type of natural resource features to be impacted. Construction of the trails, the observation decks, the stairs, the boardwalk, and the pier are all impacts upon the natural resource features. The amount of each natural resource feature impact must be calculated. The amount of impact would consist of the size of the trail, observation decks, stairs, boardwalk, benches, and pier plus any adjacent areas that will be cleared, filled, graded, or otherwise impacted. Any areas of temporary disturbance (construction access, staging areas, etc.) should be noted separately.

- a. Staff recommends that the amount of impact for overlapping resource features be indicated in the Resource Protection Land table the same way as recommended in Staff Comment number 2 above.

GRAEF Response: Overlapping aquatic/wetland resources were only counted once and summarized in the footnote (Appendix D).

- b. Staff recommends that the number of trees over 8" in diameter to be impacted also be provided. Impacted trees would include those to be removed, or those where the trail, deck, stairs, or boardwalk would be located within the dripline of the tree.

GRAEF Response: The trail will run under the drip line of 176 trees with DBH of 8" or larger. The total canopy cover associated with individually counted trees is 4.10 acres and 2.284 acres of individual tree canopies will have a section of the trail underneath their drip lines. The trail overlaps with a total of 0.358 acres of canopy, calculated as the sum of the areas of the trail under each individual tree canopy. This amounts to a 16% impact to the trees that will have the trail underneath the drip line. Wachtel Tree Sciences Confirmed that if the impact is less than 1/3 of the tree protection area (conservatively assumed to be the canopy or drip line), the health of the tree would likely not be impacted. (Appendix D).

It is also important to note that that much of the site would be considered a Mature Grove, and the trees that would have the trail beneath their canopies would represent only a small fraction of the Mature Grove.



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4. Pursuant to Sections 15-4.0103 and 15-10.0208B.3.b. of the UDO, please provide mitigation for the natural resource impacts.
 - a. Staff recommends that the amount and type of mitigation should be subject to a site visit where the extent and nature of the impacts can be mutually agreed upon. The amount and type of impacts (tree removal, root cutting, soil compaction, etc.) would then guide the amount and type of mitigation.
GRAEF Response: It is our opinion that the project is an overall benefit to the environment and the impacts to specific resources are very limited. Based on this, we request the City provide additional details on potential mitigation options.

Natural Resource Protection Plan (NRPP)

5. Pursuant to Section 15-7.0201J. of the UDO, please clearly graphically indicate the areas of natural resource impacts.
 - a. Staff recommends that the Natural Resource Protection Plan (or one of the other plans), clearly show the project limits.
GRAEF Response: A note was added to the site plan regarding the project limits (Appendix A).
 - b. Staff recommends that exhibits to the Natural Resource Protection Plan (or one of the other plans) be prepared, one each for a portion of the trail, for a deck, for the stairs, for the boardwalk, and for the pier, that shows in detail the size of the structure, the size of any adjacent area to be cleared, graded and/or filled, and any adjacent areas that would be temporarily disturbed during construction. These exhibits would be the means by which the type and amount of natural resource impacts could be calculated more accurately for the entire project.
GRAEF Response: All project parts including the location and size of structures are included on one NRPP (Appendix A).
 - c. Staff suggests that rather than sample exhibits, that this more accurate mapping be prepared for the entire trail and all structures. Staff would note that should consensus be reached from the site visit on the amount and type of impacts to the natural resource features, such mapping may not be necessary.
GRAEF Response: At this stage of the planning, all features are accurately sized and located on the NRPP Map. A Sub-foot accurate GPS was used to map the trail and location of decks, stairs, and boardwalk/pier (Appendix A).



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6. Pursuant to Section 15-7.0201K. of the UDO, please provide a revised Conservation Easement, which includes allowance for the pier. A copy of the current Conservation Easement is attached for your review and use.

GRAEF Response: The Conservancy for Heritage and Healing will update the Conservation Easement (Appendix H).

Natural Resource Special Exception (NRSE)

7. Pursuant to Section 15-9.0110A. of the UDO, please indicate the name and address of all abutting property owners.

GRAEF Response: Adjacent property owners are attached to the NRSE (Appendix E).

8. Pursuant to Section 15-9.0110C. of the UDO, please correct the NRSE Question and Answer Form as noted below:

- d. Revise answer A. to reference Table 15-4.0100, and specifically note the following features: lakes, shore buffers, floodplains, wetlands, wetland buffers, and wetland setbacks. And include Section 15-4.0103 if no mitigation is proposed.

GRAEF Response: Answer A has been revised. Mitigation has not yet been considered for this project.

- e. Revise answer B. to specifically note the length, width, and total size of the trail, decks, boardwalk, and pier impacts.

GRAEF Response: Answer B has been revised (Appendix E).

- f. Revise answer D.1.(a) to include reference to the subject NRPP, site and erosion plans.

GRAEF Response: reference to the NRPP, Site Plan, and Erosion Control Plan has been added to D.1. (a) (Appendix E).

- g. Revise answer D.5. to include the woodland impact details, i.e. size/area of impacts, number of trees impacted, etc.

GRAEF Response: Tree impacts were updated in answer D.5 (Appendix E).



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- h. Revise answer D.6. to indicate that e) shoreline will be impacted (i.e. pier and boardwalk construction); f) habitat will be impacted (i.e. pier construction); l) shoreland will be impacted (i.e. pier and boardwalk located within the shoreland); m) Corridor will be impacted (i.e. the entire subject area is located within a Primary Environmental Corridor).

GRAEF Response: D.6 has been revised (Appendix E).

- i. Revise answer D.6. “Describe in detail...” to include the details of the size, area, and nature of impacts associated with the trail, decks, etc., i.e. the physical structures themselves, the adjacent clearing, grading, filling, the temporary construction disturbances, etc.

GRAEF Response: These impact descriptions can be found in question B (Appendix E) and in the NRPP Tables (Appendix A).

- 9. Pursuant to Section 15-10.0208B.1. of the UDO, please provide answers to the findings set forth in Section 15-10.0208B.2.

GRAEF Response: Answers are attached to the NRSE questionnaire.

Additional Staff Recommendations

- 10. Staff recommends that the previously prepared Tree Survey, Deck and Stair Plans (Appendix G), Metes and Bounds (Appendix C), and CSM (Appendix B) be added to the project materials for Environmental Commission, Plan Commission, and Common Council review and consideration.

GRAEF Response: Previously submitted materials will be provided again.

- 11. Staff recommends that a much more detailed Erosion Control Plan be prepared for the entire project. Staff strongly recommends this more detailed Erosion Control Plan for those areas within and adjacent to the steep slopes.

GRAEF Response: Project construction plan and details are still being developed, additional erosion control details will be provided once final plans are completed.

- 12. Staff recommends that the written Plan Summary document be revised to reflect the more detailed natural resource impact information requested in Staff Comments #1, 2, and 3.

GRAEF Response: The plan summary was updated (Appendix D).

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125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com



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Please contact me at Alison.Kuhne@graef-usa.com or (414) 266-9299 if you have any questions.

Sincerely,

Alison Kuhne
Environmental Scientist

Enclosed: Appendix A. Figures

Figure 1. NRPP Map

Figure 2. Site Plan

Figure 3. Nature Trail Erosion Control Plan

Appendix B. Kapur & Associates, Inc. Certified Survey Map

Appendix C. Metes and Bounds Site Description

Appendix D. NRPP Summary Letter

Appendix E. NRSE questionnaire

Appendix F. Tree Survey

Appendix G. Deck and Stair Plans

Appendix H. Conservation Easement

APPENDICES

Appendix A Figures

**Appendix B Kapur & Associates,
Inc. Certified Survey
Map**

**Appendix C Metes and Bounds Site
Description**

Appendix D NRPP Letter

Appendix E NRSE Questionnaire

Appendix F Tree Survey

Appendix G Deck and Stair Plans

Appendix H Conservation Easement

APPENDIX A

Figures

FIGURE 1a

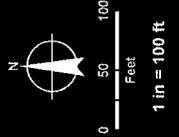


Susan Rabe
P.O. Box 320305
Franklin, WI 53132
(414) 510-4771

Kopmeter Lake

CONSERVANCY FOR HEALING AND HERITAGE

NATURAL RESOURCE PROTECTION PLAN
TAX ID #: 743-8978-006
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN



Legend

- Tree, Diameter 8"-12"
- Tree, Diameter > 12"
- ▭ Tree Canopy
- 2-FT Contours
- Wetland Boundary
- Wetland Buffer
- Wetland Setback
- ▭ Structures
- ▭ Garden Construction Limits
- ▭ Trails
- ▭ Shoreline Buffer
- ▭ Parcels
- ▭ Floodplain
- ▭ <10% Slope
- ▭ 10-20% Slope
- ▭ 20-30% Slope
- ▭ >30% Slope

Wetland delineated May 2019 by
WDNR assessor delineator Ron
Londré.

FIGURE 1b

Natural Resource Feature	Resource Protection Land				Acres of Land to be Impacted	Acres of Land Required to be Mitigated
	Protection Standard Based Upon Zoning District Type Circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located					
	Agricultural District	Residential District	Non-Residential District	Acres of Land in Resource Feature		
Sheep Slips ¹	0.00	0.00	0.40	3.07	1.59	0.000
10-19%	0.65	0.75	0.70	2.15	1.51	0.000
20-29%	0.80	0.85	0.80	3.23	2.88	0.000
30%+						
Woodlands & Forest ²						
Mature Woodland Grove	0.70	0.70	0.70	4.10	2.87	0.000
Young	0.50	0.50	0.50	0.00	0.00	0.000
Lake & Ponds	1.00	1.00	1.00	14.16	14.16	0.002
Streams ³	1.00	1.00	1.00	0.00	0.00	0.000
Shore Buffer ³	1.00	1.00	1.00	5.78	5.73	0.000
Floodplain/Floodplains ³	1.00	1.00	1.00	26.62	26.62	0.000
Wetland Buffers ³	1.00	1.00	1.00	0.88	0.88	0.107
Wetland Setbacks ³	1.00	1.00	1.00	0.71	0.71	0.006
Wetlands & Shoreland Wetlands ³	1.00	1.00	1.00	3.28	3.28	0.007
Total Resource Protection Land (includes overlapping features)					60.08 acres	

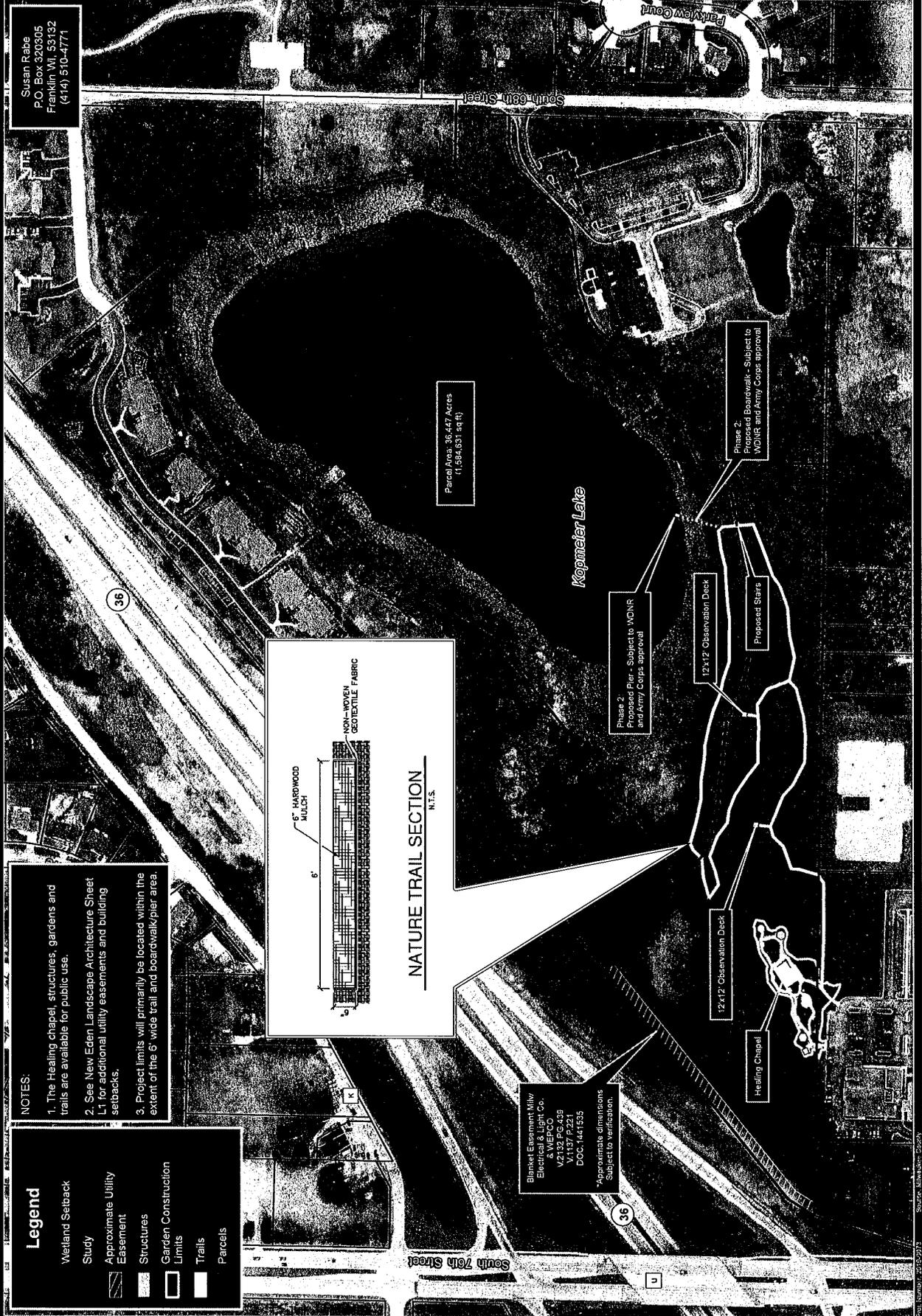
1. Natural Resource Features surveyed for entire site with offsite looks.
 2. Trees were surveyed within 25 feet of the Project Area
 3. Natural Resource Features surveyed within 150 feet of the Project Area

Note about overlapping resources: Of the 3.28 acres of wetlands, overlapping resources include 2.28 acres of floodplains and 1.27 acres of shoreland buffer. Of the 0.107 acres of wetland buffer there are 0.81 acres of floodplain and 0.03 acres of shoreland. Of the 0.71 acres of wetland setback, there are 0.12 acres of floodplain. The 29.62 acres of floodplain also includes the overlapping 14.16 acres of lake.

Note about overlapping impacts: Of the 0.007 acres of wetland impacts, overlapping impacts include 0.007 acres of floodplains and 0.007 acres of shoreland buffer. Of the 0.107 acres of wetland buffer impacts there are 0.09 acres of floodplain and 0.008 acres of shoreland impacts.

Worksheet for the Calculation of Site Intensity and Capacity for Nonresidential Development	
Table 15-3.0500	
STEP 1:	<p>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE: Take Base Site Area (from Step 5 in Table 15-3.0502); 36 Multiple by Minimum Landscape Surface Ratio (LSR) (see specific zoning district LSR standard) X 0.45 Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE =</p> <p>CALCULATE NET BUILDABLE SITE AREA: Take Base Site Area (from Step 5 in Table 15-3.0502); 35 Subtract Total Resource Protection Land from Table 15-3.0503, or Minimum Required Landscape Surface (from Step 1 above), whichever is greater; 32 Equals NET BUILDABLE SITE AREA =</p> <p>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE: Take Net Buildable Site Area (from Step 2 above); X Multiple by Maximum Net Floor Area Ratio (MFAR) (see specific nonresidential zoning district MFAR standard) X 0.37 Equals MAXIMUM NET FLOOR AREA YIELD OF SITE =</p> <p>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE: Take Base Site Area (from Step 5 of Table 15-3.0502); 36 Multiple by Maximum Gross Floor Area Ratio (GFAR) (see specific nonresidential zoning district GFAR standard) X 0.31 Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE =</p> <p>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE: Take the lowest of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above); Multiple results by 0.950 for maximum floor area in square feet);</p>
	16.20 acres
	4 acres
	2.28 acres
	11.16 acres
	2.28 acres
	(65,317 square feet)

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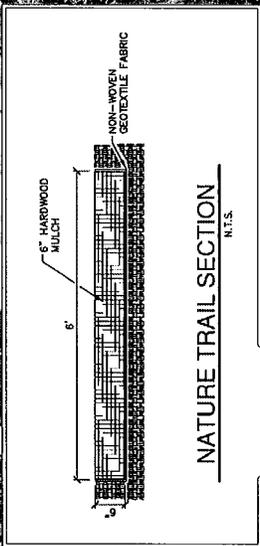


NOTES:

1. The Healing chapel, structures, gardens and trails are available for public use.
2. See New Eden Landscape Architecture Sheet L1 for additional utility easements and building setbacks.
3. Project limits will primarily be located within the extent of the 6' wide trail and boardwalk/piers area.

Legend

- Wetland Setback
- Study
- Approximate Utility Easement
- Structures
- Garden Construction
- Limits
- Trails
- Parcels



Parcel Area: 36,447 Acres
(1,394,931 sq ft)

Blanket Easement Mill
& WEPCO
Electrical & Light Co.
V2132 PG 435
V1137 P321
DOC 1441535
*Approximate dimensions
Subject to verification.

Phase 2
Proposed Pier - Subject to WDNR
and Army Corps approval

Phase 2
Proposed Boardwalk - Subject to
WDNR and Army Corps approval

12x12' Observation Deck

Proposed Stairs

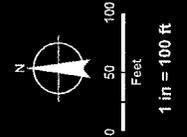
12x12' Observation Deck

Healing Chapel

FIGURE 2b
GRAEF

CONSERVANCY FOR HEALING AND HERITAGE

SITE PLAN
TAX ID #: 743-8978-006
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN



Susan Rabe
P.O. Box 320305
Franklin, WI 53132
(414) 510-4771

Kopmeter Lake



Legend
Parcels

NOTES:
1. The Healing chapel, structures, gardens and trails are available for public use.
2. See New Eden Landscape Architecture Sheet L1 for additional utility easements and building setbacks.

DATE: 03/29/2017
DRAWN BY: [unreadable]

APPENDIX B

Kapur & Associates, Inc. Certified Survey Map

CERTIFIED SURVEY MAP

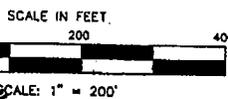
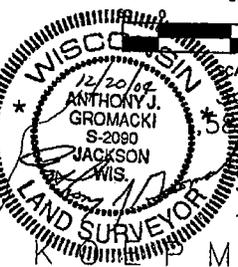
Sheet 2 of 7
(Easements)

That part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 all in the Southwest 1/4 of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

NOTES
LOTS 1 & 2 SUBJECT TO DEVELOPERS AGREEMENT R.4680 I.963, DOC.7829064

LOTS 1 & 2 SUBJECT TO STIPULATION AGREEMENT BETWEEN DILHR & POLISH FESTIVAL INC. R.2127 I.1394, DOC.6092139.

GRANT OF LAKE ACCESS FRIENDSHIP VILLAGE R.2479 I.699, DOC.6406865

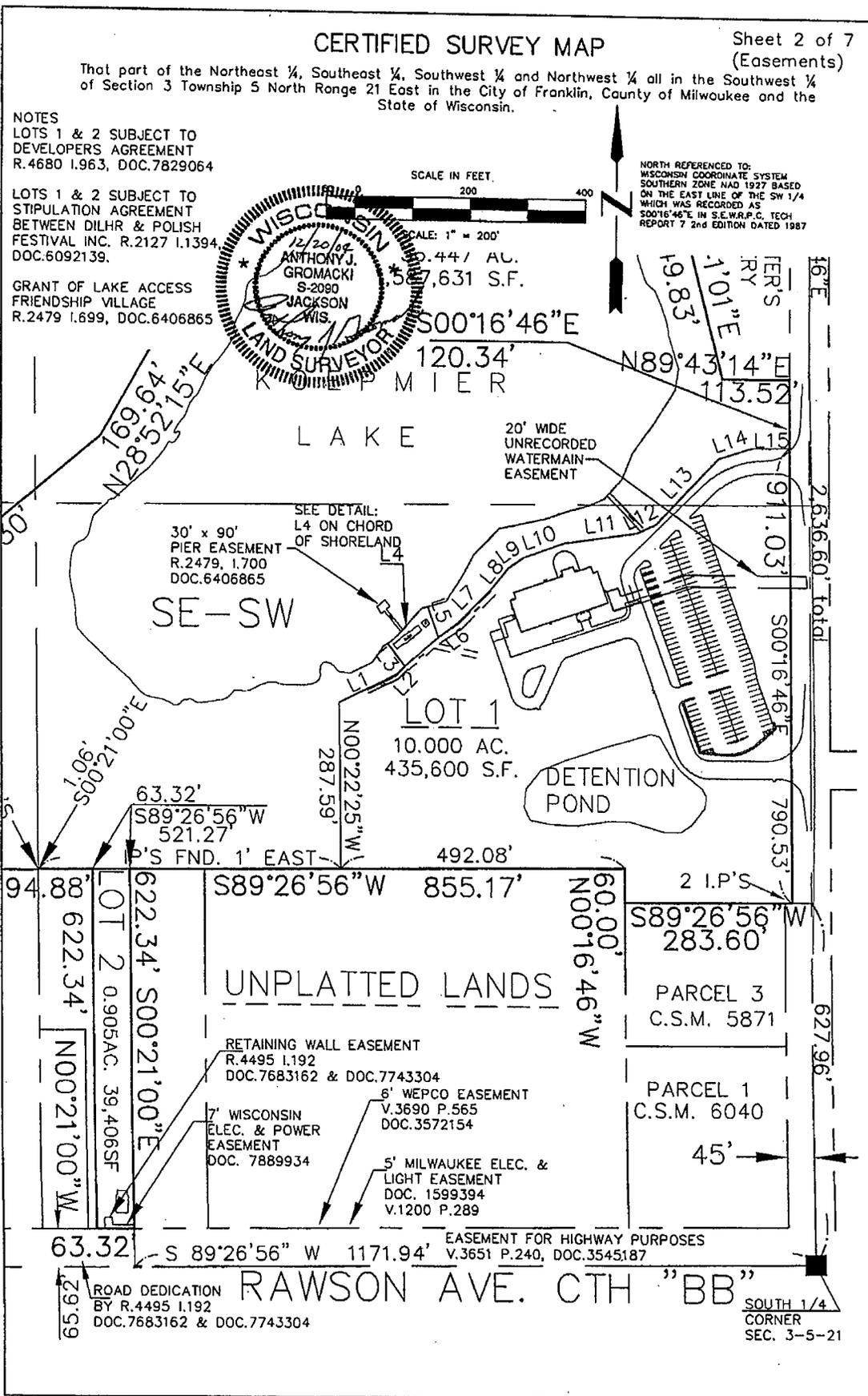


NORTH REFERENCED TO:
WISCONSIN COORDINATE SYSTEM
SOUTHERN ZONE NAD 1927 BASED
ON THE EAST LINE OF THE SW 1/4
WHICH WAS RECORDED AS
S00°16'46"E IN S.E.W.R.P.C. TECH
REPORT 7 2nd EDITION DATED 1987

Plot Date/Time: 08/09/04 12:01pm

Last save: 08/09/04 12:01pm

DWG: G:\JHLEIN\89JPolish_Center_SURVEY\40\89JCSM.dwg

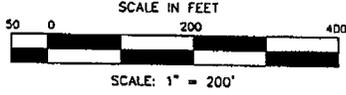


SOUTH 1/4
CORNER
SEC. 3-5-21

CERTIFIED SURVEY MAP

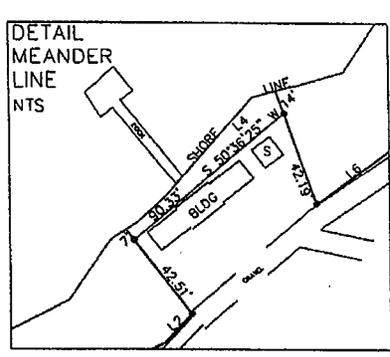
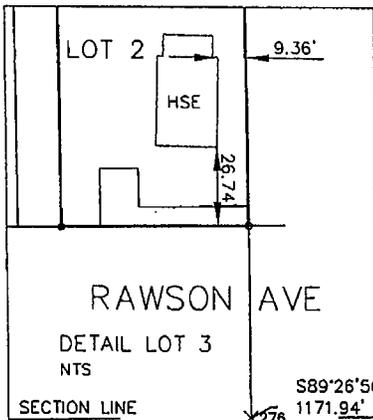
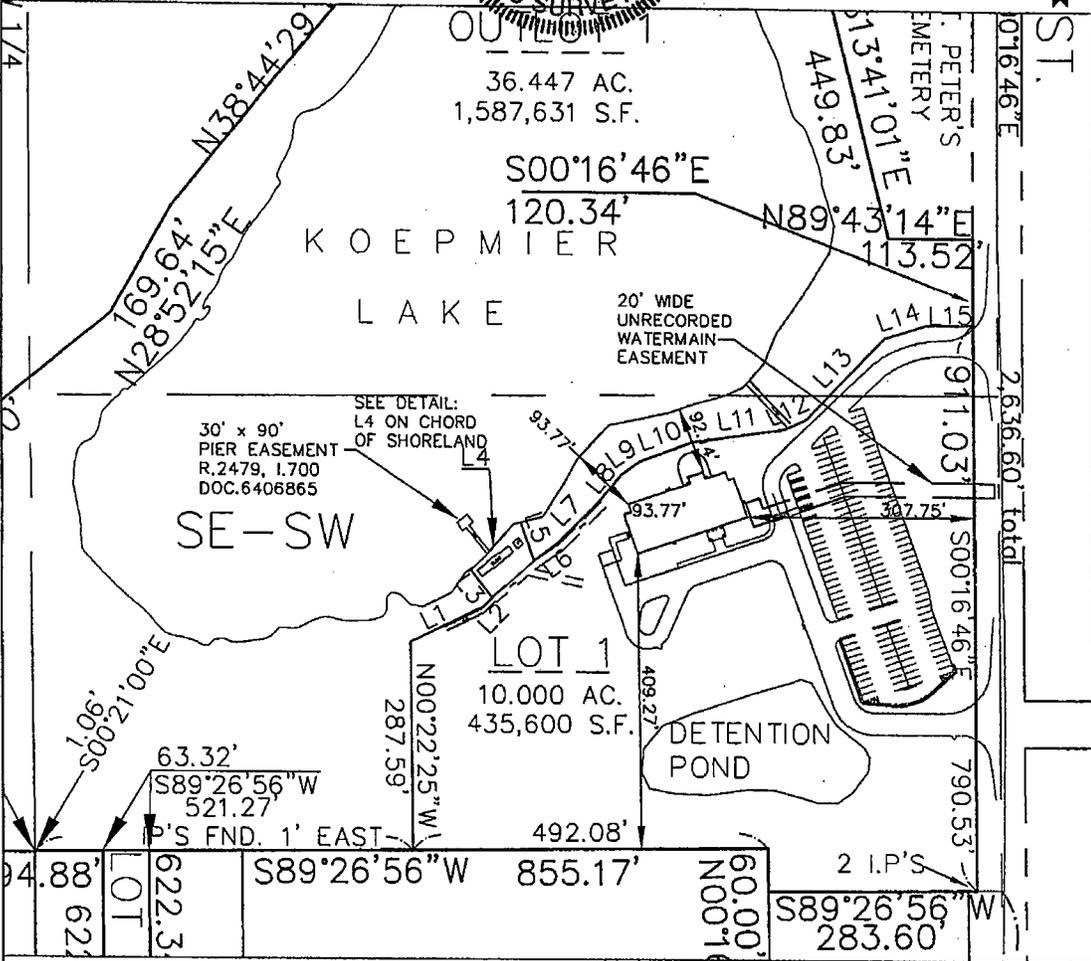
Sheet 3 of 7
(Details)

That part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 all in the Southwest 1/4 of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.



NORTH REFERENCED TO:
WISCONSIN COORDINATE SYSTEM
SOUTHERN ZONE MAD 1927 BASED
ON THE EAST LINE OF THE SW 1/4
WHICH WAS RECORDED AS
S0016'46"E IN S.E.W.R.P.C. TECH
REPORT 7 2nd EDITION DATED 1987

Plot Date/Time: 08/09/04 12:01pm
Last save: 08/09/04 12:01pm
DWG: G:\JHLEIN\B93Polish_Center\SURVEY40\B93CSM.dwg



CERTIFIED SURVEY MAP

Sheet 4 of 7
(Wetlands)

That part of the Northeast ¼, Southeast ¼, Southwest ¼ and Northwest ¼ all in the Southwest ¼ of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

WETLAND 1

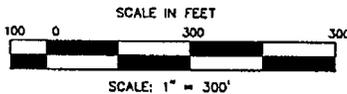
L1	14.03'	S33°00'13"E
L2	306.01'	N89°43'14"E
L3	159.08'	N69°05'25"E
L4	684.82'	N38°44'29"E
L5	169.64'	N28°52'15"E
L6	605.51'	N49°45'23"E
L7	39.12'	N15°14'19"E
L8	80.89'	N68°59'02"W
L9	98.91'	N80°46'04"W
L10	104.44'	N81°41'32"W
L11	106.70'	N73°10'18"W
L12	118.46'	N85°34'30"W
L13	127.04'	S87°24'53"W
L14	107.37'	S81°13'48"W
L15	91.80'	S76°33'53"W
L16	97.36'	S63°41'34"W
L17	94.96'	S50°35'52"W
L18	77.35'	S29°33'40"W
L19	37.08'	N79°30'41"W
L20	63.38'	S45°27'14"W
L21	95.11'	S28°24'19"W
L22	47.11'	S57°22'13"W
L23	115.18'	S70°48'53"W
L24	77.01'	S63°19'07"W
L25	66.27'	S35°02'05"W
L26	64.80'	S33°07'18"W
L27	67.41'	S36°12'30"W
L28	74.37'	S38°18'50"E
L29	155.76'	S11°28'32"E
L30	18.55'	S01°37'48"E
L31	172.80'	S00°59'54"E
L32	177.50'	S11°07'12"E
L33	80.36'	S13°41'01"E
L34	16.79'	S89°43'14"W
L35	14.95'	S01°37'48"E

WETLAND 3

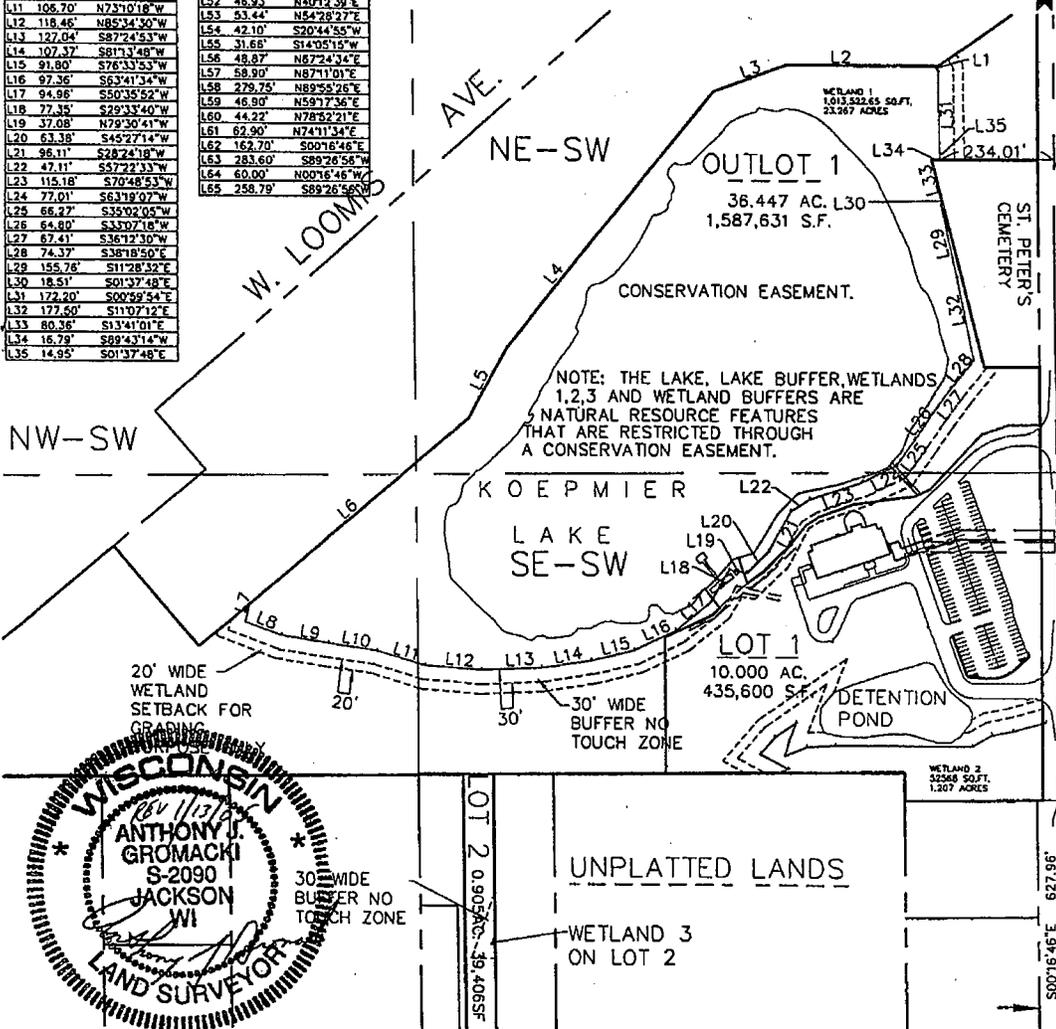
L40	23.29'	N19°43'36"E
L41	21.86'	S02°21'00"E
L42	7.99'	S89°33'39"W

WETLAND 2

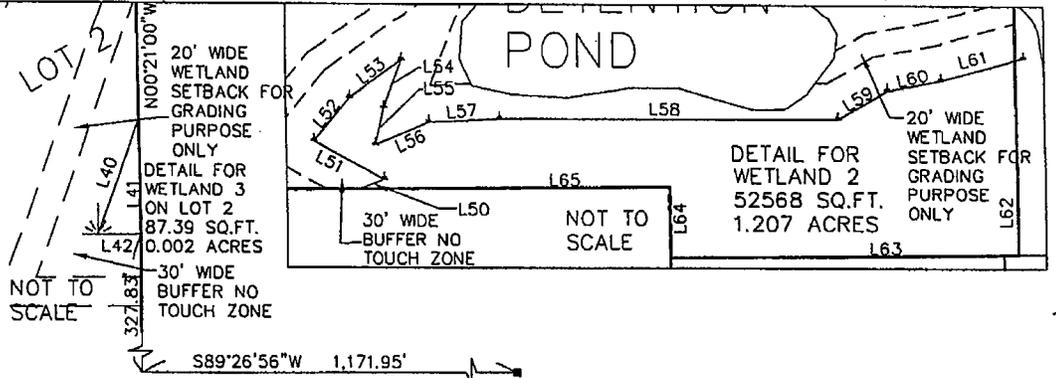
L50	22.57'	N69°03'49"E
L51	66.19'	N61°39'23"W
L52	46.93'	N40°12'39"E
L53	53.44'	N54°28'27"E
L54	42.10'	S20°44'56"W
L55	31.68'	S14°05'15"W
L56	48.87'	N87°43'14"E
L57	58.90'	N87°11'01"E
L58	279.75'	N89°55'26"E
L59	46.90'	N59°17'36"E
L60	44.22'	N78°52'21"E
L61	62.90'	N74°11'34"E
L62	162.70'	S00°16'46"E
L63	283.60'	S89°26'56"W
L64	60.00'	N00°16'46"W
L65	258.79'	S89°26'56"W



NORTH REFERENCED TO:
WISCONSIN COORDINATE SYSTEM
SOUTHERN ZONE MAD 1927 BASED
ON THE EAST LINE OF THE SW ¼
WHICH WAS RECORDED AS
S00°16'46\"/>



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CERTIFIED SURVEY MAP

Sheet 5 of 7
(Wetlands legal)

That part of the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ and Northwest $\frac{1}{4}$ all in the Southwest $\frac{1}{4}$ of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

LEGAL FOR WETLAND 1

That part of the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ and Northwest $\frac{1}{4}$ all in the Southwest $\frac{1}{4}$ of Section 3, Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin, more particularly described as follows:

Commencing at the Southeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3; thence N 00°16'46" W along the east line of said Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ 1,976.41 feet; thence S 89°43'14" W 234.01 feet to the point of beginning; thence South 89°43'14" West 16.79 feet; thence South 13°41'01" East 80.36 feet; thence South 01°37'48" East 18.51 feet; thence South 11°28'32" East 155.76 feet; thence South 11°07'12" East 177.50 feet; thence South 38°18'50" West 74.37 feet; thence South 36°12'30" West 67.41 feet; thence South 33°07'18" West 64.80 feet; thence South 35°02'05" West 66.27 feet; thence South 63°19'07" West 77.01 feet; thence South 70°48'53" West 115.18 feet; thence South 57°22'33" West 47.11 feet; thence South 28°24'18" West 96.11 feet; thence South 45°27'14" West 63.38 feet; thence North 79°30'41" West 37.08 feet; thence South 29°33'40" West 77.35 feet; thence South 50°35'52" West 94.96 feet; thence South 63°41'34" West 97.36 feet; thence South 76°33'53" West 91.80 feet; thence South 81°13'48" West 107.37 feet; thence South 87°24'53" West 127.04 feet; thence North 85°34'30" West 118.46 feet; thence North 73°10'18" West 106.70 feet; thence North 81°41'32" West 104.44 feet; thence North 80°46'04" West 99.91 feet; thence North 68°59'02" West 80.89 feet; thence North 15°14'19" East 39.12 feet; thence North 49°45'23" East 605.51 feet; thence North 28°52'15" East 169.64 feet; thence North 38°44'29" East 694.82 feet; thence North 69°05'25" East 159.08 feet; thence North 89°43'14" East 306.01 feet; thence South 33°00'13" East 14.03 feet; thence South 00°59'54" East 172.20 feet; thence South 01°37'48" East 14.95 feet; to the point of beginning.

LEGAL FOR WETLAND 2:

That part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 3, Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin.

Commencing at the Southeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3; thence N 00°16'46" W along the east line of said Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ 627.96 feet; thence S 89°26'56" W 33.00 feet to the point of beginning; thence S 89°26'56" W 283.60 feet; thence N 00°16'46" W 60.00 feet; thence S 89°26'56" W 258.79 feet; thence N 69°03'49" E 22.57 feet; thence N 61°39'23" W 66.15 feet; thence N 40°12'39" E 46.93 feet; thence N 54°28'27" E 53.44 feet; thence S 20°44'55" W 42.10 feet; thence S 14°05'15" W 31.66 feet; thence N 67°24'34" E 48.87 feet; thence N 87°11'01" E 58.90 feet; thence N 89°55'26" E 279.75 feet; thence N 59°17'36" E 46.90 feet; thence N 78°52'21" E 44.22 feet; thence N 74°11'34" E 62.90 feet; thence S 00°16'46" E 162.70 feet to the point of beginning.

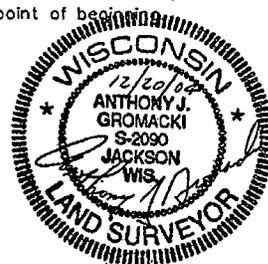
LEGAL FOR WETLAND 3:

That part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 3, Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Commencing at the Southeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 3; thence S 89°26'56" W along the south line of said Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ 1,171.95 feet; thence N 00°21'00" W 327.83 feet to the point of beginning; thence S 89°33'39" W 7.99 feet; thence N 19°43'36" E 23.29 feet; thence S 00°21'00" E 21.86 feet to the point of beginning.

NOTE: Wetland Delineated by:
Janell Phillipp
Enviro Dynamics LLC
on 11/9/2004

NOTE: Wetland Field Located
By Kapur & Assoc. Survey Crew
on 11/10 & 11/11/2004



Plot Date/Time: 08/09/04 12:01pm

Last save: 08/09/04 12:01pm

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CERTIFIED SURVEY MAP

Sheet 6 of 7
(Legals)

That part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 all in the Southwest 1/4 of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

LEGAL DESCRIPTION:

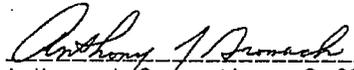
COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; ALONG THE WEST LINE OF THE SOUTHWEST 1/4; THENCE S 00°25'13" E 1954.77 FEET; THENCE N 89°26'56" E 150.00 FEET TO THE POINT OF BEGINNING; THENCE N 30°53'12" E 72.99 FEET; THENCE N 49°45'23" E 660.73 FEET; THENCE S 40°14'37" E 273.00 FEET; THENCE N 49°45'23" E 745.30 FEET; THENCE N 28°52'15" E 169.64 FEET; THENCE N 38°44'29" E 694.82 FEET; THENCE N 69°05'25" E 159.08 FEET; THENCE N 89°43'14" E 314.16 FEET; THENCE N 53°59'48" E 250.00 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 68TH STREET ; THENCE S 00°16'46" E ALONG SAID RIGHT OF WAY LINE 344.91 FEET TO THE NORTH LINE OF SAINT PETER'S CEMETERY; THENCE S 89°43'14" W ALONG SAID NORTH LINE 217.80 FEET TO THE WEST LINE OF SAINT PETER'S CEMETERY; THENCE S 13°41'01" E ALONG SAID WEST LINE 449.83 FEET TO THE SOUTH LINE OF SAINT PETER'S CEMETERY; THENCE S 89°43'14" E ALONG SAID SOUTH LINE 113.52 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 68TH STREET; THENCE S 00°16'46" E ALONG SAID RIGHT OF WAY LINE 911.03 FEET; THENCE S 89°26'56" W 283.60 FEET; THENCE N 00°16'46" W 60.00 FEET; THENCE S 89°26'56" W 855.17 FEET; THENCE S 00°21'00" E 622.34 FEET TO THE NORTH RIGHT OF WAY LINE OF RAWSON AVENUE; THENCE S 89°26'56" W ALONG SAID RIGHT OF WAY LINE 63.32 FEET; THENCE N 00°21'00" W 622.34 FEET; THENCE S 89°26'56" W 94.88 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE S 00°21'00" E ALONG SAID WEST LINE 1.06 FEET; THENCE S 89°26'56" W 1179.95 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2062637 SQUARE FEET, 47.352 ACRES, MOR OR LESS.

SURVEYOR'S CERTIFICATE:

I ANTHONY J. GROMACKI, DO HEREBY CERTIFY THAT AT THE DIRECTION OF SIGMUND TOMKALSKI, EXECUTIVE DIRECTOR OF POLISH HERITAGE ALLIANCE, INC. I HAVE SURVEYED THE LAND DESCRIBED HEREON AND THAT THE MAP SHOWN IS A CORRECT REPRESENTATION OF ALL LOT LINES AND THAT I HAVE FULLY COMPLIED WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE UNITED DEVELOPMENT ORDINANCE DIVISION-15 OF THE CITY OF FRANKLIN IN SURVEYING DIVIDING AND MAPPING SAID LANDS.

DATED THIS 20th DAY OF Dec


Anthony J. Gromacki S-2090



Plot Date/Time: 08/09/04 12:01pm

Last save: 08/09/04 12:01pm

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CERTIFIED SURVEY MAP

Sheet 7 of 7
(Certificate)

That part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 all in the Southwest 1/4 of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

OWNER'S CERTIFICATE:

I, SIGMUND TOMKALSKI, AS EXECUTIVE DIRECTOR OF POLISH HERITAGE ALLIANCE, INC., DO HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED HEREON. I ALSO CERTIFY THAT THIS MAP IS REQUIRED BY S.236.34 OF THE WISCONSIN STATUTES AND THE UNITED DEVELOPMENT ORDINANCE DIVISION-15 OF THE CITY OF FRANKLIN TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

WITNESS THE HAND AND SEAL OF SAID OWNER THIS 1st DAY OF February, 2005.

Sigmund Tomkowski
SIGMUND TOMKALSKI EXECUTIVE DIRECTOR

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE)ss

PERSONALLY CAME BEFORE ME THIS 1st DAY OF February, 2005 THE ABOVE NAMED, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

Tere L. Wilson NOTARY PUBLIC
COUNTY OF MILWAUKEE, STATE OF WISCONSIN

MY COMMISSION EXPIRES: February 18, 2007



CITY OF FRANKLIN COMMON COUNCIL APPROVAL:

APPROVED AND ACCEPTED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN BY RESOLUTION NO. 2004-5798 SIGNED ON THIS 21st DAY OF December, 2004.

Frederick F. Klimetz MAYOR Sandra L. Wesolowski CITY CLERK

DATED THIS 7th DAY OF February, 2005.

~~REVISED THIS ___ DAY OF _____, 200__~~



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APPENDIX C

Metes and Bounds Site Description

LEGAL DESCRIPTION

Outlot 1 of Certified Survey Map numbered 7544 recorded in the office of the Register of Deeds for Milwaukee County more particularly described as follows; That part of the Northwest 1/4, Southeast 1/4, Southwest 1/4, and Northwest 1/4 all in the Southwest 1/4 of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; ALONG THE WEST LINE OF THE SOUTHWEST 1/4; THENCE S 00°25'13" E 1954.77 FEET; THENCE N 89°26'56" E 150.00 FEET TO THE POINT OF BEGINNING; THENCE N 30°53'12" E 72.99 FEET; THENCE N 49°45'23" E 660.73 FEET; THENCE S 40°14'37" E 273.00 FEET; THENCE N 49°45'23" E 745.30 FEET; THENCE N 28°52'15" E 169.64 FEET; THENCE N 38°44'29" E 694.82 FEET; THENCE N 69°05'25" E 159.08 FEET; THENCE N 89°43'14" E 314.16 FEET; THENCE N 53°59'48" E 250.00 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 68TH STREET; THENCE S 00°16'46" E ALONG SAID RIGHT OF WAY LINE 344.91 FEET TO THE NORTH LINE OF SAINT PETER'S CEMETERY; THENCE S 89°43'14" W ALONG SAID NORTH LINE 217.80 FEET TO THE WEST LINE OF SAINT PETERS CEMETERY; THENCE S 13°41'01" E ALONG SAID WEST LINE 449.83 FEET TO THE SOUTH LINE OF SAINT PETER'S CEMETERY; THENCE S 89°43'14" E ALONG SAID SOUTH LINE 113.52 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 68TH STREET; THENCE S 00°16'46" E ALONG SAID RIGHT OF WATY LINE 911.03 FEET; THENCE S 89°26'56" W 283.60 FEET; THENCE N 00°16'46" WEST 60.00 FEET; THENCE S 89°26'56" W 855.17 FEET; THENCE S 00°21'00" E 622.34 FEET TO THE NORTH RIGHT OF WAY LINE OF RAWSON AVENUE; THENCE S 89°26'56" W ALONG SAID RIGHT OF WAY LINE 63.32 FEET; THENCE N 00°21'00" W 622.34 FEET; THENCE S 89°26'56" W 94.88 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE S 00°21'00" E ALONG SAID WEST LINE 1.06 FEET; THENCE S 89°26'56" W 1179.95 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM LOT 1 AND LOT 2 AS SHOWN ON SAID CERTIFIED SURVEY MAP NUMBERED 7544.

SAID PARCEL CONTAINS 1587764 SQUARE FEET, 36.450 ACRES, MORE OR LESS.

APPENDIX D

NRPP Letter



One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com

collaborate / formulate / innovate

July 31st, 2019

Susan Rabe
7410 W Rawson Ave
Franklin, Wisconsin 53132

SUBJECT: Natural Resource Protection Plan Summary
The Conservancy for Healing and Heritage

Dear Susan:

GRAEF was retained by the Conservancy for Healing and Heritage to prepare a Natural Resources Protection Plan (NRPP) for 36.38-acre parcel #7438978004 located at 6941 S 68TH Street, Franklin WI (Figure 1.). The proposed project includes Phase 1.- a healing garden, Phase 2. - 0.5 miles of trails, and Phase3. - a boardwalk with a pier.

Due to the numerous trees and large size of the parcel, it was confirmed by the City of Franklin Planning Department that GREAF could narrow the NRPP scope for the natural resources wetland features to 150 feet of the project area and survey the trees within 25 feet.

Natural resource features that could be determined using offsite tools for the entire parcel include, a 14.16-acre lake, 5.78 acres of shore buffer, 26.62 acres of Zone A floodplains which also encompasses the lake acreage, 3.97 acres of 10-19% slopes, 2.15 acres 20-30% slopes, and 3.23 acres greater than 30% slopes.

Trees with diameters of 8 inches or greater and within 25 feet of the Project Area were surveyed on February 15th and May 13th. The total individual canopy in this area forms 4.1 acres of Mature Woodlands. Wetlands within 150 feet of the project area were delineated May 2019 by WDNR Assured Delineator Ron Londré. The delineation includes 3.28 acres of wetland, 0.98 acres of wetland buffer, and 0.71 acres of wetland setback.

Phase 2 of the project consists of trails that will be approximately six feet wide and 2,640 feet long, with a pervious geotextile liner and mulch. Two 12' by 12' wood observation decks will be built on naturally flat and treeless areas of the trail. A staircase will be built on the east, steep section of the trail. A few benches will also be placed around the trail for resting areas. Protected slopes including 0.094 acres of 10-20% slopes, 0.045 acres of 20-30% slopes and 0.028 acres of greater than 30% slopes overlap the trails in this phase of the project. The trail will run under the drip line of 176 tree with DBH of 8" or larger. The total canopy cover associated with individually counted trees is 4.10 acres

and 2.284 acres of individual tree canopies will have a section of the trail underneath their drip lines. The trail overlaps with a total of 0.358 acres of canopy, calculated as the sum of the areas of the trail under each individual tree canopy. This amounts to a 16% impact to the trees that will have the trail underneath the drip line. Wachtel Tree Sciences Confirmed that if the impacts is less than 1/3 of the tree protection area (conservatively assumed to be the canopy or drip line), the health of the tree would likely not be impacted. It is also important to note that that much of the site would be considered a Mature Grove, and the trees that would have the trail beneath their canopies would represent only a small fraction of the Mature Grove. The intent of the trail is to allow users to view the lake and wetland feature on site, because of this, the trail overlaps with 0.106 acres of wetland buffer (overlapping with 0.088 acres of floodplains and 0.002 acres of shoreland buffer) and 0.006 acres of wetland setback, it is unlikely this overlap will affect the buffer functions.

Phase 3 of the project includes a boardwalk approximately four feet wide and 95' long leading out to a 12' by 8' pier overlooking the lake. This is anticipated to impact 0.007 acres of wetland, 0.002 acres of lake, and 0.001 acres of wetland buffer. The wetland impact overlaps with 0.007 acres shore buffer and 0.007 acers of floodplain. Department of Natural Resources and Army Corps of Engineers permits will be obtained prior to the start of this phase of the project. It was confirmed by the City of Franklin Planning that obtaining these permits will not delay Phase 1 or 2 of the Project.

Preservation requirements will be met for the 10-19% slopes, 20-30% slopes, greater than 30% slopes, and Mature Woodlands resources. Due to the 100% preservation requirements of the lake, wetland, and buffers a Natural Resource Special Exception (NRSE) will be submitted to impact to 0.002 acres of lake, 0.107 acres of wetland buffer, and 0.007 acres of wetland. Mitigation has not been considered yet for this project.

The total of overlapping resources required to be preserved on the site is 57.92 acres. Due to the overlapping features and limited scope of the field survey it is estimated conservatively that 32 acres of the site is required to be preserved. The estimation was calculated by taking the parcel area of 36 acres and subtracting the 21 acres of area covered by lake and wetland (100% protection requirement) leaving a remaining 15 acres of Mature Woodland area with varying slopes. The Mature Woodlands have a protection standard of 70%, allowing a remaining 4 acres of land that can be disturbed and 32 acres required to be preserved. A similar estimation was done for the narrowed scope of the project area and out of the 8 acres of project area, 5.6 acres will need to be preserved.



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Using these estimated values, the Site Intensity table was completed and included on the NRPP Map. Because this site does not fit any of the general use types, the medium values associated with commercial retail sales and service were used for the calculation. The calculations yielded a maximum net floor area of 2.28 acres/99,317 square feet for the site. The combined area of the garden shed, two gazebos and, healing chapel equal 2,510 square feet.

Please contact me at Alison.Kuhne@graef-usa.com or (414) 266-9299 if you have any questions.

Sincerely,

Alison Kuhne
Environmental Scientist

APPENDIX E
NRSE questionnaire

Natural Resource Special Exception Question and Answer Form.

Questions to be answered by the Applicant

Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C. of the UDO:

A. Indication of the section(s) of the UDO for which a Special Exception is requested. _____
UDO Section 15-8.0305B9 pertaining to the protection of lakes, wetland, and wetland buffers. The Special Exception is requested to create a trail within the limits of the wetland buffer and setback (also overlapping the floodplain), create a boardwalk through the wetland (also overlapping the floodplain and shore buffer), and to create a pier at the end of the boardwalk overlooking the lake. See table 15-4.0100 for exact values.

B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.
The 6' wide, 2640' long, mulch and pervious geotextile lined trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland setback. There will be two 12' x 12' observation decks. The boardwalk is approximately 95' long and 4' wide (0.008 acres), potentially impacting 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The 12'x9' pier will impact 0.002 acres of lake resource.

C. Statement of the reason(s) for the request.
The Conservancy for Healing and Heritage's mission is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education. The Healing Garden will serve the community as a free, ADA compliant public destination. When completed, it will welcome and serve people locally and regionally. The trails will be used as a route to provide pristine views of Kopmeier Lake as well as serve as an outdoor classroom.

D. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

1) Background and Purpose of the Project.

(a) Describe the project and its purpose in detail. Include any pertinent construction plans.

The mission is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education. The Nature Trails, Healing Garden, Healing Chapel in the Woods, and Kopmeier Lake are surrounded by forestland with a history leading back to the settlement of greater Milwaukee in the 19th century. Once completed, it will be open to the community as a place to restore our connection to the natural world for schools, families and individuals. See NRPP, Site Plans, and Erosion Control Plans.

(b) State whether the project is an expansion of an existing work or new construction.

This project is an expansion of the existing healing chapel, the forest trails and boardwalk will be new construction.

- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

The project purpose is to view and interact with Koepmier lake, resulting in the trail running parallel to the wetland and within the extent of the wetland buffer. Similarly the boardwalk and pier are designed as another viewing location for the lake.

2) Possible Alternatives.

- (a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.

The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland.

This would also eliminate part of the project purpose to create a view point of the lake. It is unlikely the mulch trail will disturb the functions of the wetland buffer.

- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

The boardwalk and pier, Phase 3, of the project cannot be redesigned without affecting the lake or wetland.

The trail could potentially be redesigned to be located outside of the wetland setback, this is not practicable as the view to the lake would be obstructed and the slope of the hill where the trail would be moved is primarily greater than 30%.

The current location of the trail is located on slopes of less than 10%.

- (c) State how the project may be made smaller while still meeting the project's needs.

The trail could be shortened, which is not ideal as it is currently only 0.5 miles long and if shortened would not be able to create a loop.

- (d) State what geographic areas were searched for alternative sites.

N/a

- (e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.

N/a

(f) State what will occur if the project does not proceed.

The public and Rawson Medical Center patients will not be able to explore and relax near the pristine lake and surrounding woods.

3) Comparison of Alternatives.

(a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

Removing parts or aspects of the trail would have a reduced cost but would not fulfill the project purpose.

(b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.

Creating paths on areas of steeper slopes could challenge some trail users. Additional grading and disturbance would be needed to create a flat surface for the trail. The proposed trail location is naturally flat.

(c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

N/a

(d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.

If the trail was moved to a location outside of the wetland buffer, there would potentially be an additional impact to trees.

4) Choice of Project Plan.

State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

The project should proceed because impact are minimal and will not affect the functions of the features, the project will ultimately bring users closer to the lake and wetland features for learning and inspiration.

5) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.

Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

The trail through the wetland buffer will not alter topography, plants, wildlife, hydrology, and soils in the area. The wetland is classified by the DNR as a Forested, Emergent/wet meadow with a subclass of Broad-leaved deciduous, Narrow-leaved persistent.

Plants and soils in the area of the wetland will be included in the wetland delineation report. The trails is located under 2.284 acre of area within the drip line for 176 trees with diameters 8" or larger. This is a 16% impact of all of the individual tree canopies. It is unlikely that the small amount of trail within the drip line will impact the trees health.

6) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts.

- a) Diversity of flora including State and/or Federal designated threatened and/or endangered species. Not Applicable Applicable
- b) Storm and flood water storage. Not Applicable Applicable
- c) Hydrologic functions. Not Applicable Applicable
- d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances. Not Applicable Applicable
- e) Shoreline protection against erosion. Not Applicable Applicable
- f) Habitat for aquatic organisms. Not Applicable Applicable
- g) Habitat for wildlife. Not Applicable Applicable
- h) Human use functional value. Not Applicable Applicable
- i) Groundwater recharge/discharge protection. Not Applicable Applicable
- j) Aesthetic appeal, recreation, education, and science value. Not Applicable Applicable
- k) Specify any State or Federal designated threatened or endangered species or species of special concern. Not Applicable Applicable
- l) Existence within a Shoreland. Not Applicable Applicable
- m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time. Not Applicable Applicable

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

The trails, boardwalk, and pier will give the lake and surrounds wetland and forest a more functional use.

When completed, it will welcome and serve people locally and regionally. The Garden is specifically designed to provide the visitors with a natural environment to reduce stress responses, positively affecting the endocrine, cardiovascular, immune and nervous systems. Areas for rest, reflection and rejuvenation will be abundant. It will serve a diverse population in age, ethnicity, Physical ability and capability. It will also serve as an educational destination for Franklin High School, and other learning institutions and community groups.

7) **Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin.

The Project will not affect the water of the state of Wisconsin. The project will allow users to connect with the natural features on site.

15-10.0208B.2

A Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature may be granted only upon a finding, by not fewer than four members of the Common Council that:

a. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature); and

b. Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

i. Be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,

ii. Unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives; and

A Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature may be granted because the overall project is a benefit to the environment and compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will be unreasonably burdensome to the applicant and will negatively impact upon the applicant's use of the property

Adjacent neighbors		
Tax Key	Address	Owner
7438978002	W LOOMIS RD	PARKWOOD LAKE LLC
7438978001	6751 S 68TH ST	SHA MSL GREENDALE LLC
7438979000	S 68TH ST	ST PETERS LUTHERAN CHURC
7438978004	6941 S 68TH ST	POLISH FESTIVALS INC N/K/A
7438997000	W RAWSON AVE	W RAWSON AVE
7438996000	7106 W RAWSON AVE	7106 WEST RAWSON AVENUE LLC
7438978005	7128 W RAWSON AVE	AYMAN SAIF
7438994000	7142 W RAWSON AVE	MATTHEW O'MALIA
7438992001	7220 W RAWSON AVE	ROOT RIVER PARTNERS LLC
7430001000	7400 W RAWSON AVE	WHEATON FRANCISCAN HEALTHCARE-SE WI INC
7438988001	7000 S 76TH ST	HAI YUE GROUP WI LLC

APPENDIX F

Tree Survey

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